

THE TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK



NOVEMBER 2011



TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK

November 28, 2011

Honorable Jonathan Lippman
Chief Judge of the State of New York
230 Park Avenue, Suite 826
New York, NY 10169

Dear Chief Judge Lippman:

On behalf of the Task Force to Expand Access to Civil Legal Services in New York, I am pleased to forward our second year's Report for your consideration. The Task Force once again assisted in the preparation for your four public hearings on civil legal services held to assess the extent and nature of the current unmet civil legal needs of low-income New Yorkers throughout the State and identify the level of public resources necessary to meet that need. Our Report includes the Task Force's findings and recommendations based on the testimony, provided both orally and in writing, at the four hearings. In addition, our recommendations provide a multi-faceted strategy that includes non-monetary initiatives for helping to close the justice gap based on additional research undertaken and data collected by the Task Force.

The members of the Task Force represent many diverse perspectives and bring a breadth of experience, special insights and a commitment to creative solutions. The Report is unanimously supported by all the dedicated members of the Task Force, who worked exceedingly diligently during the course of this year. The Task Force was ably assisted by its Counsel Jessica Klein and Mary Mone and Lauren Kanfer from your office.

The Task Force continues to be inspired in its work by your unequivocal commitment to the need to provide civil legal assistance to the most vulnerable low-income New Yorkers in matters that involve the very basic necessities of life and by your determination to bring us closer to the ideal of ensuring equal access to justice.

The Task Force looks forward to continuing its work in the coming year to fulfill its broad mission, including recommendations to improve the efficiency and effectiveness of the delivery of civil legal services.

Respectfully submitted,

A handwritten signature in black ink, which appears to read "Helaine M. Barnett".

Helaine M. Barnett
Chair, Task Force to Expand Access to
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TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK

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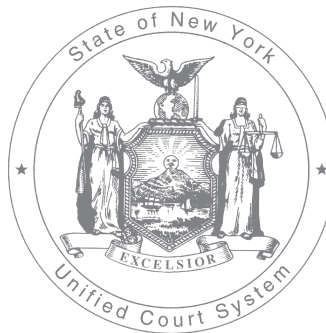
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NOVEMBER 2011

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NOTE: Appendices can be viewed on the Task Force's website,
<http://www.nycourts.gov/ip/access-civil-legal-services>

EXECUTIVE SUMMARY

THIS IS THE SECOND REPORT of Chief Judge Jonathan Lippman’s Task Force To Expand Access To Civil Legal Services (“Task Force”). Last year, the Task Force found that there is a growing crisis in the New York State Courts because 2.3 million New Yorkers must navigate our State’s complex civil justice system without an attorney. Beyond harming vulnerable low-income families and individuals, this crisis of the unrepresented burdens our courts and represented parties.

The Continuing Crisis: In the face of the worst economic downturn since the Great Depression, the Task Force concludes that this crisis of the unrepresented has grown over the past year. For example, 63 percent of New Yorkers are unrepresented at statutorily required settlement conferences in foreclosure cases, and 90 percent of the reports from civil legal services providers in New York documented that they had to turn away the same number or even more potential clients than they did just one year ago.

Based on its 2010 Legal Needs Study and the new evidence developed this year, the Task Force finds that, at best, no more than 20 percent of the legal needs of low-income families and individuals are met, because civil legal services providers simply lack the resources to meet them. This crisis has been exacerbated by the drop in revenues from the Interest on Lawyers Account Fund of New York State (“IOLA”), because of the sharp decrease in interest rates during the continuing economic downturn. In fact, annual IOLA revenues for civil legal services have plummeted from \$32 million in 2008 to a flat \$6.5 million for 2010 and 2011.

Judiciary Civil Legal Services Funding: In its first Report last year, to try to bridge the substantial access to justice gap, the Task Force proposed a four-year plan to allocate funding within the Judiciary’s budget for civil legal services for New Yorkers in all areas of the State living at or below 200 percent of the federal poverty level (\$44,700 in annual income for a family of four in 2011) who face civil legal problems involving the “essentials of life” — housing, family matters, access to health care and education, and subsistence income.

This year, in keeping with its four-year plan, the Task Force recommends a modest allocation of \$12.5 million in additional civil legal services funding within the Judiciary’s budget for the coming State fiscal year. Thus far, the 56 grants awarded to civil justice providers from current Judiciary funding have benefited many low-income New Yorkers across our State. In just the first three months after issuance of these awards, 51,297 low-income families and individuals have received legal help in addressing the “essentials of life” who otherwise would not have been assisted. Nevertheless, the Task Force finds that there remains a substantial gap in access to justice in these core civil legal matters to be bridged.

Non-Monetary Initiatives: In addition to its funding recommendation, based on its work over the past year, the Task Force is making significant non-monetary recommendations to help address the gap in access to justice. These include:

- Increasing the available *pro bono* assistance provided by private lawyers and law student resources to supplement civil legal services staff resources through new initiatives with law schools and private lawyers;
- Averting or reducing litigation by prioritizing the provision of early intervention and preventive civil legal services and the implementation of alternative conflict resolution initiatives;

- Enhancing access to justice for unrepresented litigants through simplification efforts to help them navigate the court system without legal assistance; and
- Increasing efficiencies in the delivery system for civil legal services in New York State.

As detailed in this Report, while not a substitute for additional civil legal services funding within the Judiciary's budget, each of these initiatives can help to promote access to justice in our State.

Civil Legal Services Is A Good Investment For New York: In the past year, the Task Force commissioned two independent studies from leading financial analysis firms, which found that civil legal services can generate some \$200 million in annual savings: \$85 million by providing legal assistance to avert the immediate expenses resulting from domestic violence (which does not consider the victims' longer term health care costs and longer term productivity losses), and \$116.1 million by preventing evictions and resulting shelter costs.

Moreover, based on updated IOLA data and the new study of actual eviction prevention savings, this Report documents nearly \$1 billion in positive economic impact over the past year in New York State from civil legal services. Specifically, civil legal aid creates this economic impact in our State by: (1) bringing in \$348.1 million in federal benefits for clients; (2) generating \$516.4 million in additional economic activity, according to the United States Department of Commerce's calculation that every dollar brought into New York has a multiplier effect of 1.48, as low-income families and individuals use those federal dollars to purchase necessities like food, rent and clothing which, in turn, support local businesses (1.48 multiplied by \$348.1 million in federal benefits equals \$516.4 million); and (3) achieving \$116.1 million in actual eviction prevention savings. This analysis of positive economic impact does not include the projected \$85 million in savings resulting from the provision of civil legal services in domestic violence matters.

Beyond these economic benefits, witness after witness at the Chief Judge's access to justice hearings this year in each of the four Judicial Departments of the State described the importance of providing civil legal services to the economic bottom line for private business, government and represented parties. When New Yorkers appear in civil matters in court without representation, litigation and other costs are higher and the opportunity to resolve disputes without litigation or settle cases expeditiously is lost. Likewise, as front-line Judges described eloquently, when there are substantial numbers of unrepresented New Yorkers in court, the overall quality of justice suffers, because courts are less efficient when resources have to be diverted from matters involving represented parties to try to assist unrepresented parties. Even with these efforts by Judges — which can appear to undermine the Judge's role as a neutral arbiter — the results for unrepresented parties differ markedly from what can be achieved with counsel.

Of course, no dollar amount can be placed on the life-changing impact that the provision of civil legal assistance can have for vulnerable low-income families and individuals who can remain in their homes, escape domestic violence, stabilize their families, maintain or obtain subsistence income, or gain access to health care or an education — truly the essentials of life.

The Task Force's Central Findings This Year: In this Report, we detail the work of the Task Force and its recommendations, which center on four key findings:

- Finding 1:** *A Continuing Unmet Need Exists For Civil Legal Assistance For Low-Income Families And Individuals In All Areas Of The State.*
- Finding 2:** *The Continuing Unmet Need For Civil Legal Assistance In All Areas Of The State Has A Negative Impact On The Functioning Of The Courts, Businesses And Government, And A Profound Impact On Vulnerable Families And Individuals.*
- Finding 3:** *New Cost Savings Analyses Demonstrate That Civil Legal Services In New York State Can Save At Least \$85 Million In Costs Associated With Domestic Violence And At Least \$116.1 Million In Shelter Costs In Addition To The Continuing Substantial Economic Benefits To The State Documented By The Task Force.*
- Finding 4:** *New Task Force Initiatives Can Streamline And Enhance Client Service Delivery, Help Limit The Costs Of Providing Civil Legal Services, And Reduce Court Expenditures And Litigation Costs For Represented Parties.*

I. OVERVIEW

The Chief Judge's Civil Legal Services Initiative

We recognize that these are very difficult economic times for our State and our country with record poverty levels not seen in decades. . . . The moral and ethical obligations that we have as a judiciary, as a legal profession, are clear. That is that . . . every single part of society is judged by how it treats its most vulnerable citizens, certainly from the judiciary's and legal profession's perspective. If not us, who is going to stand up for those who cannot help themselves, who come into our legal system without representation and need to interface with the various bureaucracies in our State and our country. And so we have a moral and ethical obligation to speak out and to provide funding for legal representation. We have a constitutional mission to do so, as I indicated, to provide equal justice. And I think there is also a bottom line for our society and for its well-being, that it is so important that there be equal justice and that people be represented. And last year we certainly had testimony from banks and businesses, landlords and hospitals that indicated that their own bottom lines are affected if the poor do not have legal representation. So it's not only this ethical obligation that we have, it's not only this constitutional obligation that we have, but the bottom line, the well-being of society, and the financial well-being of our State, are dependent upon not letting the poor, the indigent, in these difficult fiscal times, fall by the wayside, fall between the cracks of our society and institutions.

— Chief Judge Jonathan Lippman,

First Department Hearing on Civil Legal Services, September 26, 2011¹

THIS IS THE SECOND REPORT OF THE CHIEF JUDGE'S TASK FORCE to Expand Access to Civil Legal Services in New York. The Task Force issued its first Report on November 23, 2010 ("Task Force 2010 Report" or "2010 Report"), proposing a four-year plan for Judiciary funding to reduce substantially the unmet need for civil legal assistance for low-income New Yorkers living at or below 200 percent of the federal poverty level (for a family of four, this means an income below \$44,700 this year). The 2010 Report can be found at <http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-TaskForceREPORT.pdf>.

The Chief Judge announced the creation of this Task Force on Law Day in May 2010 as a key element of his ground-breaking initiative to establish a comprehensive approach to providing legal assistance to low-income New Yorkers in civil legal matters involving the "essentials of life."

Both houses of the New York State Legislature passed a resolution in June 2010 commending the Chief Judge on his civil legal services initiative and resolved that "the fair administration of justice requires that every person who must use the courts have access to adequate legal representation." To further that goal, the Assembly and the Senate requested that the Chief Judge report annually to the Governor and the Legislature concerning the findings of the Chief Judge's Statewide hearings that he announced he would hold each year, and the work of the Task Force he had established. In particular, the Legislature asked the Chief Judge to submit recommendations to address gaps in available resources to meet the need for civil legal services in the State of New York.²

Accordingly, the Chief Judge charged the Task Force with assisting him in organizing annual Judiciary hearings in all four Judicial Departments of the State to assess the unmet need for civil legal assistance and identify the necessary resources to meet that need. The Chief Judge further charged the Task Force

with preparing annual Reports and issuing recommendations for immediate steps to make access to justice in civil legal matters a priority, especially in these difficult economic times. He asked the Task Force to take on the additional responsibility of carrying out an ongoing, broad-based mission of recommending Statewide civil legal services priorities, defining the types of legal matters in which civil legal services are most needed, proposing eligibility standards, helping improve the efficiency and effectiveness of the delivery of legal services, gathering and distributing information about programs, strategies, and technological approaches that have proven successful, and issuing guidelines or best practices for the most effective delivery of civil legal services.

The Task Force is headed by Helaine M. Barnett, the former President of the federal Legal Services Corporation and the former Attorney-in-Charge of the Civil Practice of The Legal Aid Society in New York City. Working closely with the Hon. Fern A. Fisher, the Deputy Chief Administrative Judge for New York City Courts and the Statewide Director of the Unified Court System's Access to Justice Program, and the Hon. Michael V. Coccoma, the Deputy Chief Administrative Judge for the Courts Outside New York City, the Task Force includes Statewide representatives from the courts, the business community, government, private law firms, bar associations, civil legal services and *pro bono* providers, law schools, and civil legal services funders.³

Year One Of The Chief Judge's Initiative

The Allocation Of Funds To Expand Access To Civil Legal Services: The State faced an extraordinary projected deficit for its April 1, 2011 – March 31, 2012 fiscal year. As a result, the Governor and the Legislature asked the Judiciary to reduce its December 1, 2010 budget for the April 1, 2011 – March 31, 2012 fiscal year by \$170 million in the State budget that was ultimately adopted on April 1, 2011.

Notwithstanding the difficult decisions that this required, the Chief Judge established dedicated funding for civil legal assistance in matters involving the “essentials of life” by allocating \$12.5 million to expand access to civil legal services in accordance with the Task Force's recommendations in its first-year Report. The recommendations: 1) prioritized civil legal assistance in the core “essentials of life” areas of housing, family matters, access to health care and education, and subsistence income; 2) emphasized the provision of preventive legal assistance to avert or reduce the need for litigation; 3) targeted assistance for New Yorkers living at or below 200 percent of the federal poverty level in all counties of the State; and 4) highlighted the need for a seasoned, well-trained civil legal services staff able to provide comprehensive services in often complex, inter-related legal matters. As recommended by the Task Force, the Chief Judge continued to allocate \$15 million to IOLA as rescue funding to address in part the loss in IOLA revenue — from \$32 million annually to \$6.5 million — due to the drop in interest rates caused by the economic downturn. In combination, this \$27.5 million in Judiciary funding for civil legal assistance for low-income New Yorkers represents a major commitment by the Judiciary to provide access to justice to struggling families and individuals in every county of the State.

The Distribution Of These Funds To Begin To Meet The Unmet Need: As recommended in the Task Force's 2010 Report, to ensure that the additional \$12.5 million in Judiciary Civil Legal Services funding could be distributed quickly to help additional low-income New Yorkers during the April 1, 2011 – March 31, 2012 State fiscal year, the Chief Judge established an Oversight Board to oversee the issuance of a request for proposals, review the proposals, and make grant decisions determining

the allocation of this additional funding targeted for the provision of civil legal assistance to address matters involving the “essentials of life” across the State. The Oversight Board consisted of the Hon. Ann Pfau as the Chief Administrative Judge of the Courts, Helaine M. Barnett as the Chair of the Task Force, and Benito Romano as the Chair of the IOLA Board.

A Request for Proposals (RFP) for the funding was drafted for the Oversight Board by a Working Group of the Task Force composed of current and former funders of civil legal services. The Oversight Board then finalized the RFP and notification of the issuance of the request for proposals was published on June 1, 2011 in the State Contract Reporter and posted on the Office of Court Administration’s website, and was also distributed by the IOLA Fund to its grantees. Organizations submitting proposals were asked to specify the “essentials of life” legal assistance and the level of client services they planned to provide to New Yorkers living at or below 200 percent of the poverty level in each of the four Judicial Departments of the State.⁴

Immediate implementation of this additional funding required no new administrative expenses. The existing staff of the IOLA Fund received the proposals and reviewed them for completeness on behalf of the Oversight Board.

The Oversight Board has informed the Task Force that it received and considered 66 proposals for funding, and met in the Chief Administrative Judge’s office over the course of four days during which it reviewed each proposal individually, decided which to fund, and determined the allocations. As recommended by the Task Force, the Oversight Board allocated the new funding throughout the State — in urban, suburban, and rural areas — in accordance with the distribution of persons living at or below 200 percent of the federal poverty level in each of the four Judicial Departments.

The Oversight Board issued its first-year grant decisions on August 1, 2011 and the Office of Court Administration assumed responsibility over the contracting process for distribution of the Judiciary Civil Legal Services funds. The Oversight Board awarded 56 grants to organizations providing civil legal assistance to low-income families and individuals in every county of the State. The Oversight Board’s grants ranged in size from \$21,300 to \$1,358,462.⁵ Funding was allocated to provide civil legal assistance from August 1, 2011 through March 31, 2012, which is the end of the 2011 – 2012 State fiscal year.

The Oversight Board also informed the Task Force that, in accordance with the priorities articulated by the Chief Judge and recommended in the Task Force’s first Report, the Oversight Board’s grant awards targeted matters involving the “essentials of life” — legal problems in the areas of housing (including evictions, foreclosures, and homelessness), family matters (including domestic violence, children, and family stability), access to health care and education, and subsistence income (including wages, disability and other benefits, and consumer debts). The Oversight Board further advised the Task Force that it treated as a priority the provision of preventive and early intervention legal assistance, including expanded community legal education initiatives, as part of the array of client services that are needed.

Preliminary Results In The First Year: The Oversight Board’s grant awards required each recipient of Judiciary Civil Legal Services funds to submit a preliminary status report of activities for the period from August 1, 2011 to November 1, 2011. The Oversight Board provided the Task Force with the following summary of the reports.

First-year funding is enabling civil legal services grantees in all areas of the State to provide civil legal assistance to families and individuals living at or below 200 percent of the poverty standard who

otherwise could not have received assistance in matters involving the “essentials of life.” According to the reports, a total of 51,297 clients were served during the three-month period from August 1 to November 1, in the following four categories:

Housing	16,584
Family Matters	12,649
Subsistence Income	16,918
Access to Healthcare/Education	5,114 ⁶

The reports also documented that programs funded by Judiciary Civil Legal Services grants have already diverted a significant number of matters from the courts as a result of preventative and early intervention legal assistance efforts. During the three-month reporting period, and based on partial information only, 8,813 cases were diverted from the courts. In addition, the reports documented how Judiciary Civil Legal Services funds have been used to support the engagement of *pro bono* attorneys and non-attorney volunteers in providing legal services, and the development of collaborative civil legal services projects between grantees and other organizations.⁷

While impressive, these numbers actually understate the true impact that Judiciary Civil Legal Services funding has had. For example, the grantees were asked to report on the number of clients served, but often family members and other persons also directly benefit from the services provided; one grantee noted that while it had served 4,815 “clients,” more than 12,000 people benefited from the services provided. These numbers also do not reflect all the assistance that many grantees provided through community legal education programs and other outreach programs. Finally, it should be noted that, as might be expected in the first months of a new program, some of the grantees did not have Judiciary Civil Legal Services-funded programs in operation for the entire initial reporting period.

Following are some examples of the broad Statewide impact of the Judiciary Civil Legal Services funds: A grantee in the First Department reported that it handled 758 client cases involving “essentials of life,” which actually benefited 1,296 people and achieved other significantly positive outcomes:

We kept families housed by preventing the evictions of 35 families, resulting in taxpayer savings of over \$1.26 million in shelter costs.

- 17 percent through Limited Representation outside of court.

We preserved the unity of 21 families by obtaining immigration benefits, affecting more than 50 family members.

- 81 percent through Limited Representation outside of court.

We obtained annualized cash and non-cash benefits for clients valued at \$422,000.

- Over 30 percent through Limited Representation outside of court.

A grant recipient in the Fourth Department that operates a foreclosure prevention program reported that it worked on 134 cases, benefiting 527 people in affected households, through direct advice, workshops attended by banks and referrals to other legal services programs. Another grantee that focused on victims of domestic violence in the Second Department was able to obtain lawful permanent residence for a young mother at risk of being ordered removed and separated from her two U.S. citizen daughters. “I am somebody!” she exclaimed upon hearing the Immigration Judge’s favorable decision.

Finally, a grantee serving the Third Department used Judiciary Civil Legal Services funds “to save 544 clients . . . in legal areas that are vital to the well-being of our community — fighting homelessness, helping to protect victims of domestic violence and providing help to the increasing numbers of those facing bankruptcy.”

At the conclusion of the grant period the Oversight Board will have received from the grantees sufficient data to present a more comprehensive report of what was accomplished with the first year’s Judiciary Civil Legal Services funding.

The Chief Judge’s Second-Year Hearings In Each Judicial Department

As in the first year, the Chief Judge presided over Judiciary public hearings on civil legal services in all four Judicial Departments during September and October 2011.

Joining the Chief Judge in conducting these four hearings were Chief Administrative Judge Ann Pfau and the Presiding Justice of the Department in which the particular hearing was held: Presiding Justice Luis A. Gonzalez in the First Department, Presiding Justice A. Gail Prudenti in the Second Department, Acting Presiding Justice Thomas Mercure in the Third Department, and Presiding Justice Henry J. Scudder in the Fourth Department. Each panel also included a leader of the New York State Bar Association: President Vincent E. Doyle, III, President-elect Seymour W. James, or former President Paul Hassett.⁸

These hearings once again represented an unprecedented partnership of the leadership of the Judiciary and the leadership of the legal profession to focus on the urgent problem of the continuing unmet need for civil legal assistance for low-income New Yorkers, which has been exacerbated during the ongoing severe economic downturn.

Notice of the Chief Judge’s hearings was published in the *New York Law Journal* and posted on the Unified Court System’s website.⁹

At each hearing, the Chief Judge outlined the crucial matters that are at stake for low-income families and individuals in all four Judicial Departments of the State, as well as the unique responsibilities of the Judiciary to address these access to justice issues. In addition to his remarks at the First Department cited above, he said:

[T]he genesis of these hearings is the recognition on our part, the judiciary and the profession, that it is our fundamental constitutional and ethical mission to provide equal justice in this State with the . . . clear view on our part that we, the judiciary and the profession, must take the lead in this area. We recognize that it’s not enough to keep our courthouses open and functioning, but that beyond that, what happens inside those courthouses, inside our courtrooms, is really the essential issue in terms of the courts of this State and in this country, and that equal and fair justice is obviously our first and foremost priority.

— **Chief Judge Jonathan Lippman,**
Second Department Hearing on Civil Legal Services, September 20, 2011¹⁰

The judiciary and the profession feel that this is, again, essential in terms of the civil justice system that the poor, that the working poor have representation in matters affecting the necessities of life,

the roof over someone's head, freedom from domestic violence, their livelihood, consumer debt cases, entitlements . . . that people are supposed to have. All of these things require a lawyer. And in our courthouses and in our courtrooms, if we can't foster equal justice, a level playing field, then we might as well close those courthouse doors.

— **Chief Judge Jonathan Lippman,**

Fourth Department Hearing on Civil Legal Services, September 6, 2011¹¹

We pursue justice every day, in our respective roles. . . . [T]he Old Testament speaks of justice as a shining pursuit for rich and poor, high and low alike. [A]nd that's what we do every day, and that's what every . . . member of the legal profession does. And we cannot do that, unless there is a steady, dependable consistent funding stream for civil legal services

— **Chief Judge Jonathan Lippman,**

Third Department Hearing on Civil Legal Services, October 3, 2011¹²

All across the State, witnesses from all walks of life testified about the crucial need for civil legal assistance for low-income families and individuals and supported the Judiciary's allocation of funds in its budget to meet that need.

As was the case at the first hearings in 2010, business and government leaders provided oral and written testimony that the lack of civil legal assistance adversely affects the economic bottom line for private business and government.

The array of business leaders who came to deliver this clear and unequivocal message was as extraordinary as it was at the first hearings a year ago. The business leaders who testified as to the urgent need for civil legal services for low-income New Yorkers included: Buckmaster de Wolf, General Counsel of GE Global Research; William Savino, Board Member of the Long Island Association and Managing Partner of Rivkin Radler LLP; Donna Cirolia, Vice-President of Coca-Cola Refreshments; Craig L. Reicher, Vice-Chairman of CB Richard Ellis; Deborah C. Wright, Chairman and CEO of Carver Federal Savings Bank; James J. Barba, President and CEO of Albany Medical Center; and F. Michael Tucker, President and CEO of the Center for Economic Growth. Each of them testified about the negative impact on economic activity and workforce stability when low-income members of the community cannot get the civil legal assistance they need to address the fundamentals of life.

Likewise, testimony was delivered or submitted by government leaders about the importance of funding for civil legal aid, including testimony from the office of Attorney General Eric Schneiderman, Westchester County District Attorney Janet DiFiore, New York City Council Speaker Christine Quinn, and Orange County Department of Social Services Commissioner David Jolly. In particular, District Attorney DiFiore highlighted the essential assistance that civil legal services organizations provide to survivors of domestic violence who typically need a full range of civil legal help when District Attorneys prosecute their batterers. Speaker Quinn and Commissioner Jolly emphasized the cost-savings that government realizes by providing eviction prevention legal assistance. The testimony from the Attorney General's office described the key role that civil legal services programs have played in foreclosure prevention efforts.

New testimony analyzing substantial cost savings resulting from the provision of civil legal services was also presented by two independent experts with extensive financial and economics experience who

worked with the Task Force on a *pro bono* basis: Jeffrey L. Baliban, Managing Director of Navigant Consulting, Inc.; and Geeta Singh, Principal of Cornerstone Research. Mr. Baliban’s analysis showed that the provision of civil legal assistance in matters associated with domestic violence can save \$85 million annually in expenses resulting from domestic violence incidents in the State. Analyzing existing data provided by the IOLA Fund and available information about public shelter use in all four Judicial Departments, Ms. Singh concluded conservatively that at current client service levels, civil legal aid organizations are saving State and local government a minimum of \$116.1 million per year in averted shelter costs, and even greater savings can be calculated when more data becomes available.

Leaders of the private bar also testified that, notwithstanding the extensive *pro bono* efforts of private lawyers, additional resources are urgently needed, including resources for civil legal services programs to screen cases, provide training, and target supervision and mentoring for *pro bono* attorneys. Such testimony on behalf of the private bar was provided orally or in writing by City Bar President Samuel W. Seymour, Orange County Bar Association Immediate Past President Barbara J. Strauss, Monroe County Bar Association President Bryan Hetherington, New York County Lawyers’ Association President Stewart D. Aaron, State Bar President Vincent E. Doyle, III, and the Women’s Bar Association of the State of New York President Karen M. Richardson.

Testimony was also presented by David Boies, Managing Partner of Boies, Schiller & Flexner LLP and Co-Chair, with Theodore B. Olsen, of the American Bar Association’s Task Force on the Preservation of the Justice System, who summed up the testimony of others when he said that “justice is not simply another product or service. . . . What we can’t cut back on is justice, because every other right and benefit we have in society depends on that.”¹³

Similarly, Deputy Administrative Judges Fisher and Coccoma testified about the critical need for more resources for civil legal services throughout the State.¹⁴ Front-line Judges in all four Judicial Departments described how every day additional court time and resources — as well as the additional time and resources of represented litigants — are required because of the large number of unrepresented low-income New Yorkers in courtrooms all across the State. The Judges further testified that their role as a neutral arbiter is impacted when they struggle to help unrepresented litigants who are like “deer in the headlights.”¹⁵

This year, for the first time law school Deans presented testimony. Buffalo Law School Dean Makau W. Mutua and Syracuse Law School Dean Hannah R. Arterian discussed how — while no substitute for sufficient numbers of experienced civil legal services staff — law schools and law students can also help to address the unmet need for civil legal aid. Both Deans highlighted innovative programs for law student participation and other efforts that are underway.¹⁶

Moreover, moving testimony from clients who had received legal assistance from civil legal services organizations in every Judicial Department demonstrated the truly life-changing impact of this legal help. Significantly, many of the client witnesses described civil legal aid that resolved their legal problems without the need to go to court in the first instance, or without protracted court proceedings if litigation was already underway.

Testimony from community organizations, court personnel, local bar leaders, clergy, experts in technology and mediation, and others also addressed non-monetary efforts to mitigate the need for civil legal assistance, and thereby reduce the costs of providing civil legal assistance. Deputy Administrative Judge Fisher, for example, described initiatives to simplify court forms and court procedures based on

surveys conducted by the Task Force. At the Third Department hearing, testimony was presented about effective medical-legal and housing collaborations among legal services providers and non-legal entities; and in the Second Department, witnesses described ongoing collaborations to address the foreclosure crisis.¹⁷ New testimony in the Third Department also described efforts to make greater use of technology in service delivery and client access.¹⁸

The Work Of The Task Force

In addition to assisting the Chief Judge in organizing this year's hearings in each Judicial Department, the Task Force undertook a broad range of new efforts to carry out its charge.

After assessing the continuing unmet need for civil legal assistance in all areas of the State, including conducting a survey of civil legal services providers, the Task Force implemented six new initiatives: 1) an evaluation of cost savings resulting from the provision of civil legal services in matters involving domestic violence and preventing evictions and homelessness; 2) a comprehensive study of the need to simplify Court forms and procedures; 3) an assessment of law school involvement in efforts to address the need for civil legal services in New York State; 4) a Statewide review of cost-sharing initiatives among providers; 5) an extensive evaluation of alternative conflict resolutions efforts; and 6) a Statewide review of strategic partnerships between civil legal services providers and non-legal entities.

Below is a discussion of the Task Force's second-year work:

Reviewing The Unmet Need For Civil Legal Services: As described in its 2010 Report, the Task Force conducted an extensive legal needs study in August 2010 as well as a review of court data. This year, the Task Force reviewed that legal needs study and the court data to determine their continuing validity.

Recent United States census data reflects the same high levels of poverty in the State that the Task Force considered in 2010. New U.S. Department of Agriculture data showing high levels of hunger clearly confirms the continuing deep poverty in the State in the midst of the economic downturn that has increased the need for civil legal help. Moreover, in October 2011, the Task Force conducted a Statewide survey of civil legal services providers which revealed that the gap between need and resources is still substantial and growing.

Evaluating Cost Savings Resulting From Providing Civil Legal Aid: To consider whether the provision of civil legal assistance generates greater cost savings than the Task Force reported in 2010, the Task Force obtained expert, impartial assistance on a *pro bono* basis. Navigant agreed to evaluate the cost savings related to the provision of civil legal assistance in domestic violence matters. Cornerstone agreed to analyze the cost savings from providing representation to prevent evictions and homelessness.

As described in Finding 3 below, in both cases, these independent experts found greater cost savings than the Task Force was able to calculate on a preliminary basis in 2010. Even so, these independent evaluations themselves understate the level of cost savings.

Navigant's study found that the provision of additional civil legal assistance in New York State can avert \$85 million in current annual expenditures associated with domestic violence incidents. Navigant's analysis of these domestic violence cost savings is the first such Statewide analysis in New York, and

is based on federal and New York data as well as prior studies in Wisconsin in 2006 and Kentucky in 2009.

The Cornerstone analysis found that at a minimum \$116.1 million in public shelter costs are averted annually by the current provision of eviction prevention legal assistance by IOLA grantees in the State. However, Cornerstone has indicated that this finding is an undercount given that complete data was not available. Cornerstone's evaluation of cost savings resulting from eviction prevention legal assistance is the first Statewide analysis of such cost savings since the 1990 study by what was then the New York State Department of Social Services.

Simplifying Court Forms And Procedures: The Task Force undertook a major initiative to assess the need for the simplification of Court forms and procedures to improve access to the New York State court system for unrepresented as well as represented litigants. This multi-faceted effort included a substantial review and analysis of existing Court forms and procedures, Court websites, and outreach services.

Surveys on Court Efficiency. With the assistance of the Fund for Modern Courts, the Task Force distributed a survey to thousands of recipients, asking for suggestions on how to improve the efficiency of the New York court system. The survey covered substantive topics such as employment and housing, as well as administrative topics such as the use of technology and written materials. The Task Force received more than 170 responses from legal services providers, bar association leaders and members, law firm partners and associates, educators, business people, and local government officials, providing a wealth of information and recommendations.

The Task Force distributed a similar, shorter survey to every Judge, Town and Village Justice, and Chief Clerk in New York State, and received a substantial number of responses.

Legislative Proposals. The Task Force researched new and modified legislative proposals made by the Chief Administrative Judge's Advisory Committees on Local Courts, Civil Practice, Criminal Law and Procedure, Family Court, and Surrogate's Court in the past three years.

Reports from Legal Services Providers, Academics, and Former Judges. The Task Force researched proposals for reform of the New York court system, including published reports and articles from the New York State Bar Association, the Fund for Modern Courts, the Brennan Center, law journals, and academic symposia.

Other Jurisdictions. The Task Force reviewed recent judicial reforms implemented by other States and the federal courts to determine whether any can be successfully applied to the New York court system.

These efforts generated hundreds of ideas for reforming, simplifying, and improving the efficiency of the New York court system. As set forth in Finding 4 below, the Task Force has made initial findings as to simplification efforts that appear to be relatively cost-efficient, are widely and frequently discussed in the surveys or research, and should be acceptable to all stakeholders in the New York court system. In selecting these proposals, the Task Force emphasized those suggestions most likely to provide immediate and widespread benefits to a variety of participants in the court system.¹⁹

Assessing Law School Involvement Efforts: The Task Force requested information from the fifteen law schools in New York State on ways in which their programs help to address the access to justice gap.

The responses revealed an impressive number of ongoing civil legal services-related initiatives at the fifteen law schools in the State. Law students assist clients in a broad range of civil legal matters, including eviction and foreclosure cases, divorces, employee benefits cases, child neglect proceedings, debt collection cases, administrative benefits programs, and additional areas of the law.

Currently, the work of law schools responsive to the needs of low-income New Yorkers in civil legal matters is generally advanced through one of three models: i) law school academic programs (specifically, clinics and externships), ii) law student volunteer initiatives, and iii) law student and graduate subsidies. Each approach is generally seen as advancing the law schools' missions and as consistent with their respective commitments to public service. Each provides important assistance to real clients and thereby helps to address the unmet need for civil legal assistance.²⁰

Evaluating Cost-Sharing Initiatives: The Task Force surveyed providers and collected extensive information about cost-sharing efforts across the State to control expenditures and enhance the quality of client services.

In particular, the Task Force studied the Telesca Center for Justice in Rochester where providers are co-located and utilize concrete methods to reduce costs and enhance client services by eliminating duplication of effort. The Task Force also obtained information about a similar "One Roof" initiative in Syracuse and exploratory efforts in Buffalo.

In addition, the Task Force reviewed efforts by several smaller or medium-sized providers in New York City to share the costs of accounting services.²¹

Evaluating Alternative Conflict Resolution Efforts: The Task Force conducted a comprehensive review of alternative conflict resolution initiatives and collaborative lawyering approaches aimed at averting or reducing litigation.²²

To carry out this review, the Task Force, with assistance from the Office of the ADR and Court Improvement Program of the New York State Unified Court System,²³ analyzed areas where alternative conflict resolution might be underutilized, where and how it might be most effective, and what the obstacles might be to establishing and promoting various programs.

Evaluating Strategic Partnerships: The Task Force carried out a first-time survey of the strategic partnerships between New York's civil legal services providers and non-legal entities. The Task Force also began evaluations of the use of technology and the role of non-lawyer advocates.

Preliminarily, the Task Force's survey reveals that nearly 74 percent of the providers who took part in the strategic partnership survey are engaged in some level of community partnership to leverage scarce resources to meet the legal needs of survivors of victims of domestic violence. Likewise, 68 percent have partnerships with community-based organizations dealing with landlord-tenant issues and 67 percent are engaged in partnerships with community-based organizations working on housing counseling and foreclosure prevention. In addition, 60 percent have medical-legal partnerships and half of those involve providing legal assistance at the medical provider's site; 64 percent are in partnerships with immigrant groups; and 58 percent partner with local educational institutions.

The survey also found that by partnering legal assistance with other human services, these collaborations are able to offer clients a more comprehensive range of services, improve local interactions between legal services programs and other human services organizations, strengthen the overall community re-

sponse to a given issue, resolve legal issues earlier in the process, and reduce the burden on the courts by handling legal issues in a more preventive fashion.

Seventy percent of those with domestic violence partnerships and 73 percent of those with housing counseling/foreclosure prevention partnerships indicated a reduced burden on the courts as one of the key benefits of their collaborations. Seventy-eight percent of those with domestic violence partnerships indicated an overall improvement in the community response to this legal need, as did 70 percent of those with housing counseling/foreclosure prevention partnerships and 68 percent of those with homelessness/eviction prevention programs.

Seventy-one percent of those with domestic violence partnerships reported earlier resolution of legal issues as a benefit of the collaboration, as did 68 percent of those with housing counseling/foreclosure prevention programs and 66 percent of those with eviction prevention partnerships.²⁴

The Task Force's Central Findings

The Task Force makes the following four central findings:

- Finding 1:** *A Continuing Unmet Need Exists For Civil Legal Assistance For Low-Income Families And Individuals In All Areas Of The State.*
- Finding 2:** *The Continuing Unmet Need For Civil Legal Assistance In All Areas Of The State Has A Negative Impact On The Functioning Of The Courts, Businesses And Government, And A Profound Impact On Vulnerable Families And Individuals.*
- Finding 3:** *New Cost Savings Analyses Demonstrate That Civil Legal Services In New York State Can Save At Least \$85 Million In Costs Associated With Domestic Violence And At Least \$116.1 Million In Shelter Costs In Addition To The Continuing Substantial Economic Benefits To The State Documented By The Task Force.*
- Finding 4:** *New Task Force Initiatives Can Streamline And Enhance Client Service Delivery, Help Limit The Costs Of Providing Civil Legal Services, And Reduce Court Expenditures And Litigation Costs For Represented Parties.*

II. THE FINDINGS OF THE TASK FORCE

BUILDING ON ITS 2010 REPORT, the Task Force makes the following findings based on: 1) the testimony of 61 witnesses who provided a broad range of perspectives at the Chief Judge's four hearings this year in each Judicial Department of the State and 87 written submissions provided in response to the public notice of those hearings; and 2) the second-year work of the Task Force, including obtaining two new evaluations of the cost savings resulting from the provision of civil legal services, receiving a preliminary status report on the impact of the first-year funding, obtaining data from providers on the unmet need for civil legal aid, analyzing the steps that can be taken to simplify Court forms and procedures for litigants, evaluating law school involvement efforts, reviewing cost-sharing initiatives, studying alternative conflict resolution efforts, collecting information on strategic partnerships, and considering other approaches to enhance services for low-income New Yorkers.

Finding 1: *A Continuing Unmet Need Exists For Civil Legal Assistance For Low-Income Families And Individuals In All Areas Of The State.*

Documentation Of Unmet Legal Needs: In its 2010 Report, the Task Force presented the results of the first survey of the legal needs of low-income New Yorkers that had been conducted in more than two decades. Under the auspices of the Fund for Modern Courts, Lake Research Partners, a well-respected independent opinion polling company that uses standard professional sampling methods similar to the seminal 1994 American Bar Association's national legal needs study, carried out the study in August 2010. By telephone, Lake Research sampled low-income New Yorkers, defined as having a household income at or below 200 percent of poverty.

This year, the Task Force has concluded that the key findings of the Task Force's legal needs study have not changed. Indeed, the continuing high rates of poverty in New York State validate those findings.

As was the case in its 2010 Report, the Task Force compared the Lake Research data to the number of cases that civil legal services providers close. The result further demonstrates the extent of the unmet need for civil legal assistance for low-income New Yorkers. Lake Research data indicates that 1.2 million low-income New Yorkers had three or more legal problems over the course of the year and thereby experienced the most pressing need for civil legal help. Meanwhile, IOLA data updated since the Task Force's 2010 Report shows that 258,000 cases were closed by IOLA grantees in 2010. Comparing the number of closed cases to the number of low-income New Yorkers with multiple legal problems once again shows that, at best, 20 percent of the need for civil legal services is being met.²⁵

Recent United States Government Data On High Levels Of Poverty And Hunger In New York State Confirms The Extent Of The Need: Recently released United States census data confirms the validity of findings in the Task Force's 2010 Report as to the substantial numbers of New Yorkers living at or below 200 percent of poverty. The 2010 census data verifies the Task Force's projection in its 2010 Report that at least 6,328,000 New Yorkers are living at or below 200 percent of the federal poverty level — approximately one-third of the State's population. Moreover, 40 percent of New York City residents are living at or below 200 percent of the poverty level.²⁶

The federal poverty level and 200 percent of that level for 2011 are as follows:²⁷

2011 Poverty Guidelines		
for the 48 Contiguous States and the District of Columbia		
Family Size	100%	200%
1	\$10,890.00	\$21,780.00
2	\$14,710.00	\$29,420.00
3	\$18,530.00	\$37,060.00
4	\$22,350.00	\$44,700.00

New United States Department of Agriculture (USDA) data on hunger in New York State further illustrates the dimensions of the deep levels of poverty and economic distress that underlie the continuing need for civil legal help. The USDA found that nearly one in seven of the State’s residents faced some degree of “food insecurity” between 2008 and 2010. That number represents a 30 percent jump from 2005-2007, and it is also the highest level of broader food insecurity since USDA started collecting the data. Overall, the USDA found that nearly 2.5 million New York State residents live in households that cannot afford enough food.²⁸

Continuing High Numbers Of Unrepresented Litigants Demonstrate The Urgency Of Addressing The Unmet Legal Needs: Against this grim background of extreme poverty, the Task Force’s 2010 finding regarding the substantial number of unrepresented litigants overwhelming the New York courts applies with equal force this year.

More than 2.3 million litigants still try to navigate the complex civil justice system without a lawyer. The dimensions of this continuing serious access to justice gap are illustrated by new data in the Chief Administrative Judge’s recent report to the Legislature revealing that Statewide 63 percent of New Yorkers are unrepresented at statutorily required settlement conferences in foreclosure cases — 70 percent in New York City and 59 percent in the rest of the State.²⁹ Meanwhile, representation by counsel is still unavailable for all but a miniscule fraction of tenants in eviction cases in all four Judicial Departments, borrowers in thousands of consumer credit cases filed in New York City, and parents in child support matters in rural, suburban, and urban areas.³⁰

Continuing Impact Of Decreased IOLA Revenues: In its 2010 Report, the Task Force found that funding for civil legal service programs in New York State comes from the IOLA Fund, the federal Legal Services Corporation, and a patchwork of other sources, including State and local government grants and contracts, private foundations and individual donors, and State and local bar associations. A drop in interest rates due to the economic downturn, however, has dramatically reduced IOLA revenue, thereby illustrating the need for stable, consistent and permanent State civil legal services funding.

The revenue derived from lawyers’ IOLA escrow accounts depends heavily on the often volatile interest rates paid by banks holding those accounts. Compounding this problem, a decrease in the interest rate is often associated with a downturn in the economy, and thus when both the need for civil legal services and the actual number of indigent New Yorkers increases, IOLA’s ability to fund legal services decreases dramatically.

The Task Force reported in 2010 that in the Fall of 2008, interest rates dropped precipitously because of the economic crisis. In 2007, the largest financial institutions holding IOLA accounts provided an average interest rate of 2.25 percent. By 2008, the rate had been cut in half to just over 1 percent; in October of 2009, the average rate dropped even further to 0.31 percent. As of August 2010, the rate was down to 0.25 percent, representing an overall decline of 88 percent over three years. As of August 2011, the average rate remained at that level.

As presented in the chart below, the steady decrease in interest rates has dramatically reduced the IOLA revenue available for grants to civil legal services providers. The IOLA Fund generated slightly more than \$24 million in 2007 and close to \$32 million in 2008. In 2009, that figure plummeted, with only \$6.5 million in IOLA revenue available for distribution in 2010. IOLA's interest revenues have remained at this depressed level, with again only \$6.5 million available for distribution in 2011 and no increase projected for 2012. With the support of the Legislature and the Governor, the Judiciary created a \$15 million IOLA rescue fund in the current State fiscal year and in the prior fiscal year in an effort to address at least part of the effect of this revenue decrease.

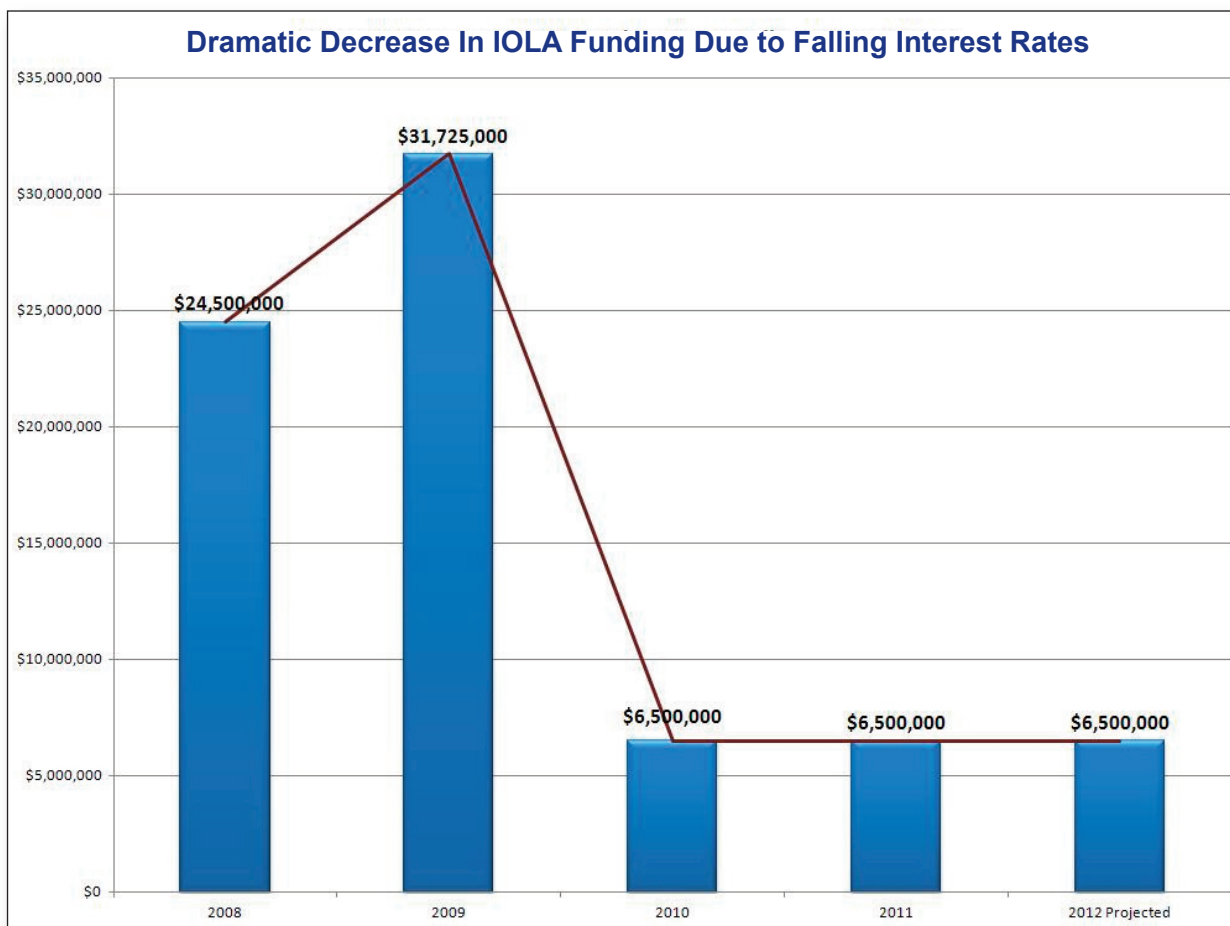


Chart Provided by IOLA.

New Data From Civil Legal Services Programs Demonstrates A Substantial Continuing Unmet Need For Civil Legal Assistance: The Task Force conducted a survey of New York civil legal services programs in October 2011. More than 90 percent of the responses showed that the providers had to turn away the same or more potential low-income clients than they did a year ago.³¹

Moreover, the increase in the numbers of families and individuals who cannot receive the legal help they need is occurring against a backdrop of civil legal services programs doing more with less and handling an increased workload — itself a demonstration of the increasing legal needs of low-income New Yorkers in the midst of the economic downturn. From 2007 (the year before the severe economic downturn began) through 2010, the number of cases closed by IOLA grantees each year has risen 17 percent from 220,000 to 258,000, and the growth in cases closed has been most dramatic in areas involving the “essentials of life” — subsistence income and housing. For example, from 2007 through 2010, closed cases involving obtaining, preserving, or increasing federal food stamps rose 75 percent; the increase in unemployment insurance matters was 259 percent, and the increase in foreclosure cases was a sobering 683 percent.³²

Finding 2: *The Continuing Unmet Need For Civil Legal Assistance In All Areas Of The State Has A Negative Impact On The Functioning Of The Courts, Businesses And Government, And A Profound Impact On Vulnerable Families And Individuals.*

Represented Litigants And Businesses Are Adversely Affected By The Lack Of Civil Legal Services: As the Task Force found in 2010, business leaders and represented litigants are greatly concerned about the unmet need for civil legal assistance and testified about the critical need to address the problem.

Both William M. Savino of the Long Island Association and Buckmaster de Wolf, General Counsel of GE Global Research, pointed to the societal instability that results from the lack of access to civil legal assistance. Mr. Savino testified that:

The Federal Reserve Bank of Boston recently reported on “Foreclosure’s Price-Depressing Spillover Effects on Local Properties” concluding the spillover effects vary in form: lowering nearby property values, reducing the local property tax base, increasing blight and crime, and disrupting basic social ties. These problems on Long Island, I am convinced, could be better managed and reduced by providing the appropriate legal assistance at a much earlier point and throughout the legal entanglements that so often result. The spillover will have negative financial implications for the small businesses on Long Island that rely on a stable workforce; stable property values and a tax base that cannot afford any further increases.³³

Mr. de Wolf of GE Research added: “it’s the stability that’s provided by the rule of law, that allows an economy to thrive and individual companies to thrive . . . for us, a culture and a society, that is guided by legal principles . . . access to justice is really the most important thing.”³⁴ Indeed, according to F. Michael Tucker of the Center for Economic Growth, “[s]tability, efficiency, and quality of judicial system and fairness, equity and accessibility are important considerations for businesses, when they are considering investing, expanding or locating in any community.”³⁵

Similarly, Deborah C. Wright, Chairman and CEO of Carver Federal Savings Bank said, “New York’s economic vitality requires a well-functioning judicial system that works for everyone. Failure to insure access to representation for all New Yorkers undermines efforts to make this a city of economic opportunity and stability. Increasing access to counsel in civil matters will instill greater confidence in the fairness of our justice system and in the character of our city. This, in turn, will contribute to the stability needed to attract new business investment and grow our economy.”³⁶

Emphasizing the connection between the legal system and business, Craig L. Reicher, Vice-Chairman of CB Richard Ellis, testified: “[a]ccess to legal services for all New Yorkers is vital for our City to remain on the cutting edge of industry and culture. City businesses need stable and desirable communities in order to prosper and grow. A well-functioning judicial system that works for everyone regardless of income encourages employment growth, and therefore City personal income, corporate, business, sales and use, real property, commercial rent, mortgage recording, transfer, and hotel tax revenues. Commercial real estate demand is directly correlated with employment and businesses invest in our City by leasing commercial space and by owning, financing and trading commercial property.”³⁷

As Donna Cirolia, Regional Vice President of Coca-Cola Refreshments USA, put it: “when the least fortunate among us are unable to gain access to the judicial system because they cannot obtain legal help with their civil legal problems, the impact is broad in our community and in the stability of that community. When a family, struggling to get by, is not aware of their civil legal rights, or unable to exercise those rights it can tear into their economic future.”³⁸

David Boies of Boies, Schiller & Flexner LLP focused on the impact of unrepresented litigants in court, on all parties seeking justice, represented and unrepresented alike, and testified: “[u]nrepresented litigants in civil legal matters burden the courts with substantial requirements and costs. They require more time from judicial personnel and the courts themselves both because cases reach the courts when litigants are unrepresented which would not result in litigation if counsel were available and because when cases do reach the courts unrepresented litigants require time, assistance, explanations, and supervision that represented litigants do not.”³⁹ Mr. Boies further observed:

My firm primarily represents large corporations, . . . medium-sized corporations. . . . And we’ve been very successful in doing that, but I can tell you from personal experience that I would much rather have somebody representing on the other side than be faced with a *pro se* litigant. It costs me much more time, it costs my client much more money to deal with the delays, the disruptions. It also requires the Court to, in effect, step in a little bit as an advocate for their side, which distorts our adversarial process.⁴⁰

Meanwhile, testimony from Attorney General Schneiderman’s office concluded that “[t]he lack of individual representation in foreclosure actions is one reason why we have a systemic abuse of the legal system, by lenders and debt collectors. We have all heard harrowing . . . tales of abuse, including foreclosure actions brought against home owners actually up-to-date on their mortgage payments. A recent [review] of bankruptcy filings in the Federal District Court for the Southern and Eastern Districts of New York by the New York Post found that 92% of the creditors asserting a right to foreclosure against bankrupt families lack the proper chain of title for the property they were seizing.”⁴¹

Similarly, District Attorney DiFiore described vulnerable survivors of domestic abuse or elder abuse who need civil legal assistance to address the civil components of the criminal matters for which their abusers are being prosecuted.⁴²

Substantial Problems For Court Functioning And The Administration Of Justice Presented By The Significant Numbers Of Unrepresented Low-Income New Yorkers: Deputy Chief Administrative Judge Cocco, for example, testified that “[u]nfamiliarity with court procedure, with court processes, and, most importantly, a lack of understanding of the substantive law itself, creates an impediment to these unrepresented individuals which is impossible to overcome. It is simply not a level playing field.”⁴³ He added:

Unrepresented litigants present an ethical dilemma for judges as well. While the judge must take time to explain the law and its applicability in the case, there is a fine line that a judge must walk to try to be fair and neutral to both sides. . . . In addition, given the time and ethical constraints on the judges, the explanation of the procedural and substantive law that the unrepresented receive is cursory at best. The judge cannot wear two hats.⁴⁴

Front-line Judges described the burden on judicial resources of unrepresented litigants. The Hon. Anthony A. Scarpino, Jr., Acting Supreme Court Justice, Ninth Judicial District, testified that “[p]ro se litigants also affect the court system in general, including all the litigants that appear at the court. Having handled thousands of these matters, unrepresented litigants’ cases take three to four times the amount of time and resources of the Judge and the staff that have to handle them.”⁴⁵ In poignant detail, he also described the excruciating dilemmas presented by unrepresented litigants:

I distinctly remember one trial I had where the tenant was claiming that the ceiling was falling down and the apartment had no heat. It was a horrible story, and I asked her, did she bring any pictures. She said no, Judge, I don’t have any pictures. I said, do you have any evidence to support you? She said, well, can’t you see I’m telling you the truth? Of course, I was having someone on the other side giving another argument, and then she finally said, well, Judge, I just expected you to get down off the bench and we were going to go to my apartment, and you were going to inspect my apartment. And I looked out into the courtroom where there had to have been 50 other apartment evaluations I was going to have to do, and I knew I couldn’t do it.⁴⁶

Similarly, the Hon. Leslie E. Stein, Justice, Appellate Division, Third Department, recounted:

I regularly saw cases that were appropriate for settlement go unresolved because self-represented tenants or other litigants were not able to fully articulate their positions, accurately analyze the strengths and weaknesses of their cases or appreciate the benefits of settlement. When settlement efforts failed, I frequently observed that self-represented tenants could not adequately present evidence or effectively argue defenses that they appeared to have. Eviction cases implicate one of the most basic “essentials of life” — a place to live. I was often faced with tension between the duty to remain neutral and the necessity of ascertaining key facts in order to make a just determination in such an important matter. In all such matters, competent legal representation for all litigants would allow judges to more efficiently handle busy court calendars and to fairly administer justice.⁴⁷

The Hon. Tanya R. Kennedy, Acting Supreme Court Justice and Civil Court Judge in New York County, observed:

We’re seeing increasing numbers of professionals due to corporate downsizing and layoffs, and we’re also seeing small business owners, entrepreneurs whose revenues have declined because of the [worsening] economy. And it’s my belief that the numbers will only increase in light of the worsening economy. . . . Well, let me say more cases would be disposed of, there wouldn’t be so many adjournments. A lot of my time is spent explaining procedural matters to the defendants. . . . Many times motions are adjourned, litigants do not respond because they don’t read the papers, and that’s because perhaps they do not read or speak English, perhaps they have limited education, or perhaps they can’t understand the legal concepts that [are] set forth in the papers.⁴⁸

The Hon. Janet C. Malone, Acting Supreme Court Justice and Family Court Judge, Westchester County, added, “unfortunately, self-representation results in worse outcomes for litigants, with the greatest

[problems] being failure to present necessary evidence, procedural errors in effective witness examination, and failure to object to evidence.”⁴⁹ Judge Malone also described a recent unrepresented litigant in a custody matter before her who had come to court without even a pen or a pad of paper — which the Judge had to provide to him. He did not have the court papers and the Judge saw “his eyes glaze over” when she tried to explain the proceeding to him.⁵⁰

The Hon. Lori Currier Woods, Acting Supreme Court Justice and Family Court Judge, Orange County, noted:

It’s very difficult to feel that you’re working with them and having justice prevail in these situations without being rushed or not able to really have people that understand what’s going on. Many times you go through the whole process, and the look on the people’s faces, you can tell, they don’t really understand exactly what happened there.⁵¹

In concluding the Fourth Department hearing, the Hon. E. Jeannette Ogden of the City Court in Buffalo summed up what the front-line Judges described: “[I]t is so important that people realize that every individual that steps into a court in New York State has an individual fundamental right to fairness, and you achieve that when you allow equal access to an attorney, because that’s the first step in equal access to justice.”⁵²

The Testimony Of Legal Services Clients Demonstrates The Profound Impact Of The Lack Of Legal Assistance: The clients who testified at the hearings in each of the four Judicial Departments highlighted the life-changing impact of the provision of civil legal assistance and the profound consequences of the lack of such assistance.

In the Fourth Department (including Allegany, Cattaraugus, Cayuga, Chautauqua, Erie, Genesee, Herkimer, Jefferson, Lewis, Livingston, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Seneca, Steuben, Wayne, Wyoming, and Yates Counties), clients described the crucial legal help they received:

- Bernard Dent, a laid-off former bank executive who still needed civil legal services staff to intervene to convince a bank to restructure his mortgage rather than foreclosing on his home and rendering his family homeless;⁵³
- Michelle Kilian, a survivor of domestic violence who needed civil legal help to keep custody of her child and to secure assistance and services to transition from welfare to work;⁵⁴ and
- Jack Hagen, who needed civil legal assistance to continue to receive life-sustaining cancer medication that had been denied improperly.⁵⁵

At the hearing in the Third Department (including Albany, Broome, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Madison, Montgomery, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Sullivan, Tioga, Tompkins, Ulster, Warren, and Washington Counties), clients presented these moving stories about their circumstances:

- Arthur Demar, a cancer survivor and victim of the Upstate floods in May 2011 who needed civil legal help to retrieve his belongings that had been withheld wrongfully by his landlord, and to avoid the need for public assistance;⁵⁶

- Dana P., a survivor of domestic violence who received civil legal help when her former husband threatened to kill her;⁵⁷ and
- Rasaan Kellam, who, after recovering from addiction and escaping homelessness, had rebuilt his life and was fully employed, but faced eviction when he could not pay his rent until his next paycheck arrived, and averted the loss of his home and repeat homelessness when a civil legal services lawyer intervened on his behalf.⁵⁸

In the Second Department (including Dutchess, Kings, Nassau, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, and Westchester Counties), compelling client testimony highlighted the harm for New Yorkers who cannot get the civil legal aid they need to address the essentials of life:

- Boris Raishevich, who lost his job and then needed legal representation to avoid losing his family's home in a foreclosure;⁵⁹
- Alavita Williams, a retired corrections officer who needed civil legal services to avert the loss of her home in a mortgage scam;⁶⁰
- Alina Saez, who needed civil legal aid when her son was subjected to excessive punishment in school and his continued schooling was at risk;⁶¹
- Esther Jimenez, a survivor of domestic violence who needed civil legal assistance to escape with her child from the violence;⁶²
- Tara Grisby, who faced the choice between the loss of her home and abandoning her son until legal services staff got involved and helped her son get the help he needed and enabled Ms. Grisby to keep her apartment;⁶³ and
- Kathleen DeNezzo, a cancer survivor with disabilities who faced the loss of her family's home until she got legal help.⁶⁴

And at the hearing in the First Department (including Bronx and New York Counties), clients testified about their desperate need for assistance:

- Eneyda Maldonado, whose life turned around when civil legal assistance enabled her to escape with her child from domestic violence, obtain custody of her child, and gain access to employment and health care;⁶⁵
- Yves Gebhardt, a member of a tenant association that received emergency legal aid that prevented displacement of the tenants, including tenants with disabilities;⁶⁶
- Virginia Norman-Acevedo, a blind grandmother with an adopted blind child who needed legal assistance to keep the child out of foster care when his guardian died, to retain housing for herself and the child, and to prevent the eviction of her adult daughter and her grandchildren;⁶⁷
- Tracy Smith, who needed legal services to prevent her eviction in retaliation for complaining about inadequate housing conditions and to remedy those conditions;⁶⁸ and
- Natalie Jones, a survivor of domestic violence who needed civil legal help to escape to safety and keep custody of her child.⁶⁹

Written testimony from others described heartbreaking situations that were resolved only by the provision of civil legal assistance. For instance, civil legal aid prevented the eviction of William Dean, the custodial parent of two daughters and a veteran who suffers from post-traumatic stress disorder, who had been in fear of losing his family's home.⁷⁰

Finding 3: *New Cost Savings Analyses Demonstrate That Civil Legal Services In New York State Can Save At Least \$85 Million In Costs Associated With Domestic Violence And At Least \$116.1 Million In Shelter Costs In Addition To The Continuing Substantial Economic Benefits To The State Documented By The Task Force*

A New Independent Analysis Projects At Least \$85 Million In Cost Savings Resulting From The Provision Of Civil Legal Assistance In Matters Involving Domestic Violence: To evaluate the cost savings associated with civil legal assistance in domestic violence matters, the Task Force obtained *pro bono* assistance from Navigant Consulting, a leading global consulting firm with expertise in economics, financial matters, and management.

In its 2010 Report, the Task Force cited IOLA's projection of several million dollars in domestic violence savings based on a conservative analysis of the best available data derived from applying a prior 2006 Wisconsin study to New York.⁷¹

Using new data from the federal government that permits a projection of the number of domestic violence incidents that affect low-income women in New York, and drawing on recent research in a 2009 Kentucky report as well as the prior research in Wisconsin, Navigant has projected that the provision of civil legal services can save \$85 million in current annual costs associated with incidents of domestic violence in New York State. In reaching this conclusion, Navigant found:

[D]irect and indirect costs of nearly \$85 million [are] being incurred annually by [intimate partner violence] victims [in New York] who could benefit from access to civil legal services, but who otherwise cannot afford them. Direct costs typically include medical care, e.g., hospitalization, physician costs, emergency room visits, ambulance and paramedic services, physical therapy, dental visits and the like. Direct costs also include mental healthcare costs such as psychiatric care, professional counseling services, substance abuse treatment facilities, and other therapy costs. Indirect costs typically include the loss of victims' productivity in the work force due to time off.⁷²

However, Navigant also cautioned that even this \$85 million in projected cost savings is an underestimate, and concluded:

It is important to understand that there are several areas of costs not included in this study but which are, nonetheless, a significant and continuing drain on society resources. For instance, abused women experience more physical health problems and have a higher incidence of depression, drug and alcohol abuse, and suicide attempts than do women who are not abused. Further, children living in households where domestic violence is prevalent and who witness these incidents suffer from a greater level of physical, emotional, psychological, and behavioral difficulties, which interfere with their natural development and education process. These difficulties typically will last into adulthood. This study does not attempt to measure the cost of these issues on society other than to recognize that they exist and are incremental to the potentially avoidable costs determined herein.⁷³

The chart below, prepared by Navigant, summarizes the projected savings from providing civil legal assistance to avert incidents of domestic violence.

Cost of Domestic Violence Incidents Avoidable

Based on incidence rates applied to 7,768,878 New York State females 18 or older per the 2010 Census

	Rape	Physical Assault	Stalking
Expected annual incidents ¹	15,538	100,995	38,844
66.44 percent of expected annual incidents will likely occur in low-income households. ² This represents the number of incidents potentially avoidable through increased access to civil legal services	10,324	67,103	25,809
Protective orders are generally shown to be effective 40 – 80 percent of the time. We assume a 60 percent effective rate to estimate incidents avoidable ³	6,194	40,262	15,485
Avoidable cost estimates (incidents avoidable × per-incident costs):	(\$ amounts in thousands)		
Direct – Medical costs ⁴	\$6,047.9	\$41,575.7	\$ -
Direct – Mental healthcare ⁵	2,971.5	16,068.1	6,829.4
Indirect ⁶	1,280.4	4,962.8	5,198.3
Total	\$10,299.8	\$62,606.5	\$12,027.7
Cumulative total annual avoidable costs	\$84,934.1		

¹ Based on National Violence Against Women Survey, Incidents in the Past Twelve Months applied to the NY selected population.

² Most studies report a higher prevalence of domestic violence among lower income households. A Bureau of Justice Statistics Special Report: *Violence Against Women: Estimates From the Redesigned Survey* indicates that, of female IPV victims over 18 years of age, 66.44 percent are below 200 percent of the poverty line.

³ Increasing Access to Restraining Orders for Low-Income Victims of Domestic Violence--A Cost-Benefit Analysis of the Proposed Domestic Abuse Grant Program. December 2006. (Appendix 12, Navigant Testimony at Appendix K.)

⁴ See Table 2A (Appendix 12, Navigant Testimony).

⁵ See Table 2B (Appendix 12, Navigant Testimony).

⁶ See Table 3 (Appendix 12, Navigant Testimony).

A New Independent Analysis Shows At Least \$116.1 Million In Cost Savings Resulting From The Prevention Of Evictions And Homelessness: Every year thousands of New Yorkers face the threat of losing their home. The impact on families is substantial, resulting in lost jobs, disruption of education for children, and family instability. Society also suffers the costs of lost productivity and other ancillary damages.

Based on 2009 IOLA data, the Task Force found other direct costs, such as the cost to State and local governments of providing emergency shelter for homeless families and individuals. This year, the Task Force obtained the independent consulting services of Cornerstone on a *pro bono* basis to take a fresh look at eviction prevention cost savings. Cornerstone is a well-respected consulting firm with expertise in economics and financial matters.

In its analysis of 2010 IOLA data and new research of available public shelter usage and cost information, Cornerstone has projected even greater cost savings. Based on Cornerstone's conservative analysis of the available data, at current levels of funding, civil legal services programs that receive IOLA funding saved State and local governments a minimum of \$116.1 million in 2010 by keeping low-income New Yorkers in their homes and out of shelter.⁷⁴ This is an increase of nearly \$20 million in savings from the projections in the Task Force's 2010 Report. But, as indicated above, even this projected increase in cost savings is an undercount because complete data is not available.

The new Cornerstone analysis of these substantial eviction prevention savings is presented in the chart below.

NEW YORK STATE	
A. Number of cases for which eviction was avoided or delayed or foreclosure was averted:	18,983
B. Estimated number of people for whom eviction was avoided or delayed:	50,352
C. Percentage of the above for which homelessness was avoided:	40.2%
D. Number of cases in which households avoided homelessness:	7,851
E. Average cost to taxpayers per homeless household:	\$12,822
F. Estimated savings for taxpayers:	\$116,100,000
G. Estimated total number of people who avoided homelessness:	20,784

Cornerstone has also cautioned that this substantial cost savings projection further undercounts the cost savings from homelessness prevention legal services because it focuses only on savings from averted shelter use. Cornerstone did not calculate costs saved by avoiding increased dependence on Medicaid and other government funded medical services, and avoiding the interruption of children's education, which leads to decreased earning capacity later in life.⁷⁵ Indeed, as Cornerstone found:

Housing instability and homelessness negatively affect the developmental outcomes of children. . . . Homeless students are more likely to rely on government-funded programs in the future due to reduced educational proficiency and higher high-school dropout rates. . . . Homeless students have decreased net incomes due to reduced educational proficiency. . . . Evictions and subsequent homelessness are linked to decreased mental and physical health outcomes among children and adults. Homeless individuals are also more likely to depend on costly acute medical care over more cost-effective preventative and long term measures.⁷⁶

In the final analysis, for both eviction prevention and domestic violence matters, the cost savings resulting from the provision of civil legal help are substantial and a matter of common sense. As Speaker Quinn observed, “tenants that lose their homes . . . are going to end up swelling the ranks of [the] homeless in New York City which is only going to cause us to spend more money from the Department of Homeless Services, or [the Human Resources Administration], or whoever it is.”⁷⁷ Likewise, as Michael Tucker of the Center for Economic Growth testified: “If we pay for . . . civil legal services up front, over the long term [it] will be a bottom line issue and save all the taxpayers money and provide opportunity for individuals throughout the State to do better in their lives and their community.”⁷⁸

New IOLA Data Also Shows Continuing Substantial Economic Benefits For New York State Resulting From The Provision Of Civil Legal Services: As the Task Force concluded in its 2010 Report, extensive evidence establishes that the provision of civil legal assistance brings substantial federal funds to clients and thereby back into the New York economy, with significant cost savings to State and local governments.

It is indisputable that profound benefits accrue to the low-income New Yorkers who receive civil legal assistance — for example, a family avoids homelessness, a senior citizen receives proper medical treatment, a low-wage worker obtains wrongfully withheld wages, a worker with disabilities secures federal disability benefits, an unemployed worker is able to feed her children with federal food stamp assistance, a woman and her children escape domestic violence and obtain child support, or a student with learning disabilities receives the additional tutoring necessary to stay in school and succeed later in life.

In its 2010 Report, however, the Task Force also analyzed IOLA data on the economic benefits to the New York economy resulting from the provision of civil legal assistance that enables individual clients to obtain federal benefits in place of State and local assistance. The Task Force found that IOLA provides funding to the vast majority of civil legal services organizations in the State and independently monitors and evaluates their work each year. Accordingly, IOLA has amassed data that provides a basis for evaluating the multi-year economic impact of the provision of civil legal aid to low-income New Yorkers.

In its 2010 Report, the Task Force presented IOLA’s analysis of its 2009 data. For this 2011 Report, 2010 IOLA data is now available. Conservatively analyzing its 2010 data, IOLA estimates that the economic impact of civil legal services in New York in terms of benefits won and costs saved is now approximately \$464.2 million. This \$464.2 million figure includes \$348.1 million in federal funds brought into the State in the form of direct federal benefits for individual clients in addition to the \$116.1 million in averted shelter costs that Cornerstone has conservatively projected. This figure does not include Navigant’s projected \$85 million in savings in the costs associated with incidents of domestic violence.

The largest component of the \$348.1 million in federal funds brought into New York State consisted of more than \$168 million in federal Supplemental Security Income and Social Security Disability benefits. This \$168 million amount is calculated from the total retroactive awards and monthly benefits won for clients in 2010, as well as benefits received in previous years that continue forward. Federal Supplemental Security Income and Social Security Disability retroactive benefit awards and monthly benefits totaled more than \$69 million in 2010. However, federal disability benefits awarded in previous years continue to come into New York; the average duration of these benefits is 9.7 years. Data collected from IOLA grantees regarding ongoing federal disability benefits for only the five-year period 2006-2010 indicates that \$99 million in ongoing federal disability benefits came into the State in 2010. There-

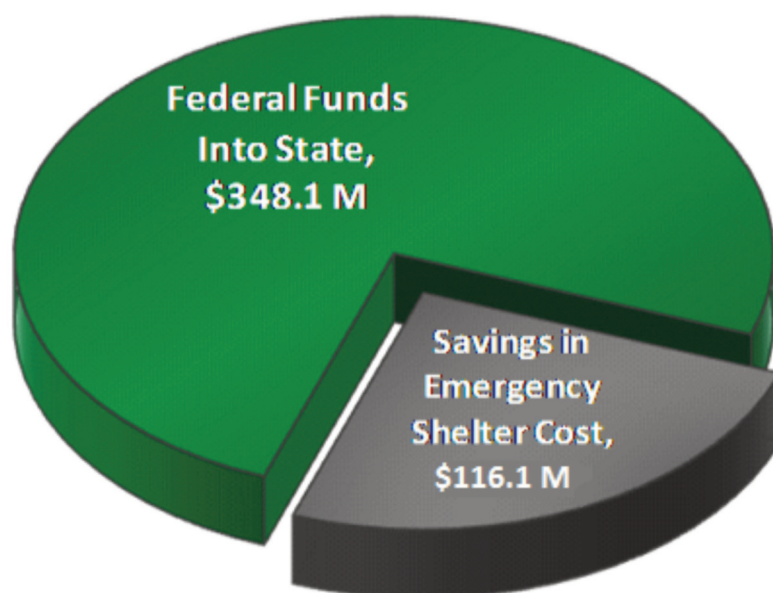
fore, the total of all federal Supplemental Security Income and Social Security Disability benefits received by civil legal services clients in New York in 2010 is over \$168 million (consisting of \$69 million in benefits won in 2010 and \$99 million in annual recurring benefits won during the prior five years).

The remainder of the \$348.1 million in federal funds brought into New York State to clients in 2010 included \$117.2 million in federal Medicaid dollars; \$25.4 million in federal earned income tax credits; and more than \$37.3 million in additional federal benefits such as Veterans benefits and Medicare. (Note that these amounts are rounded and the actual amounts adding up to approximately \$348.1 million are set forth in the IOLA chart on the next page.)

The charts below provided by IOLA highlight these key economic benefit findings based on the new 2010 data:

Summary of Economic Benefits and Savings From Civil Legal Services in New York, 2010

Direct Dollar Impacts (\$Millions)	Total
A. Total Federal Benefits	\$ 348.1
B. Savings in emergency shelter costs	\$ 116.1
C. Economic Impact (\$Millions)	\$ 464.2



Federal Funds Brought Into State in 2010

A. Federal Funds Coming Into the State	Benefits from Cases Completed in 2010		Benefits Received in 2010 From Past Years' Cases				Total Impact in 2010
	Back Awards	Monthly Benefits	2009 Cases	2008 Cases	2007 Cases	2006 Cases	
1. SSI/SSD back awards	\$34,410,416						\$ 34,410,416
2. SSI/SSD monthly benefits going forward*		\$2,898,589	\$2,233,543	\$2,254,878	\$1,929,723	\$1,817,440	
3. Total monthly benefits received (12 times Line 2)		\$34,783,068	\$26,802,516	\$27,058,536	\$23,156,676	\$21,809,280	\$ 133,610,076
4. Total SSI/SSD benefits received in 2010 (Line 1 + Line 3)							\$ 168,020,492
5. Other Federal Benefits -- Back Awards	\$5,065,343						\$ 5,065,343
6. Other Federal -- monthly benefits going forward**		\$1,144,767	\$929,448	\$616,382			
7. Total "Other Federal" monthly benefits received (12 times Line 6)		\$13,737,204	\$11,153,376	\$7,396,584			\$ 32,287,164
8. Total "Other Federal" benefits received in 2010 (Line 5 plus Line 7)							\$ 37,352,507
9. Federal share of Medicaid benefits received in 2010 (Exhibit 4):							\$ 117,231,896
10. Tax benefits (e.g. EITC refunds)							\$ 25,487,763
11. Total Federal benefits received in 2010 (sum of lines 4, 8 9, and 10)							\$ 348,092,658

* Assumed average duration of SSI/SSD benefits: 9.7 years, per Social Security Administration data. Benefit amounts for previous years are inflation-adjusted.

** Conservative assumption regarding average duration of "Other" federal benefits: 3 years. Benefit amounts for previous years are inflated-adjusted.

Charts Provided by IOLA (compiled based on data in the 2010 annual reports of IOLA grantees).

Moreover, as the Task Force reported in 2010, the United States Department of Commerce estimates that every dollar brought into the New York economy generates a multiplier effect of 1.48 as low-income families and individuals use the money to purchase necessities like food, rent, and clothing, which support local businesses.⁷⁹ Using this multiplier, the IOLA Fund has calculated that the \$348.1 million in federal benefits for clients brought into New York generated an additional \$516.4 million in direct economic activity, providing an estimated 5,300 jobs for local businesses.

When this \$516.4 million in additional economic activity is combined with the federal funds brought into the State in the form of direct federal benefits for clients (\$348.1 million) as well as taxpayer savings from homelessness prevention (at minimum \$116.1 million based on Cornerstone's conservative calculation), IOLA calculates that the overall economic impact in New York State resulting from the provision of civil legal aid is \$980 million. At the current Statewide funding level of approximately \$216 million from all sources — federal, State, local and private — this is a return to New York of nearly \$5 for every \$1 dollar spent to support civil legal services organizations. However, this analysis of the substantial positive economic impact in New York State resulting from the provision of civil legal services is a conservative undercount because it does not include Navigant's projected \$85 million in savings in the costs associated with incidents of domestic violence. Adding this projected cost savings resulting from the provision of civil legal aid in domestic violence matters would yield an overall economic impact in the State from the provision of civil legal services that is significantly in excess of \$1 billion.

Below are two IOLA charts that set forth this economic stimulus effect and the patchwork of the 2010 civil legal services funding for programs in New York State.

Economic Stimulus Effect

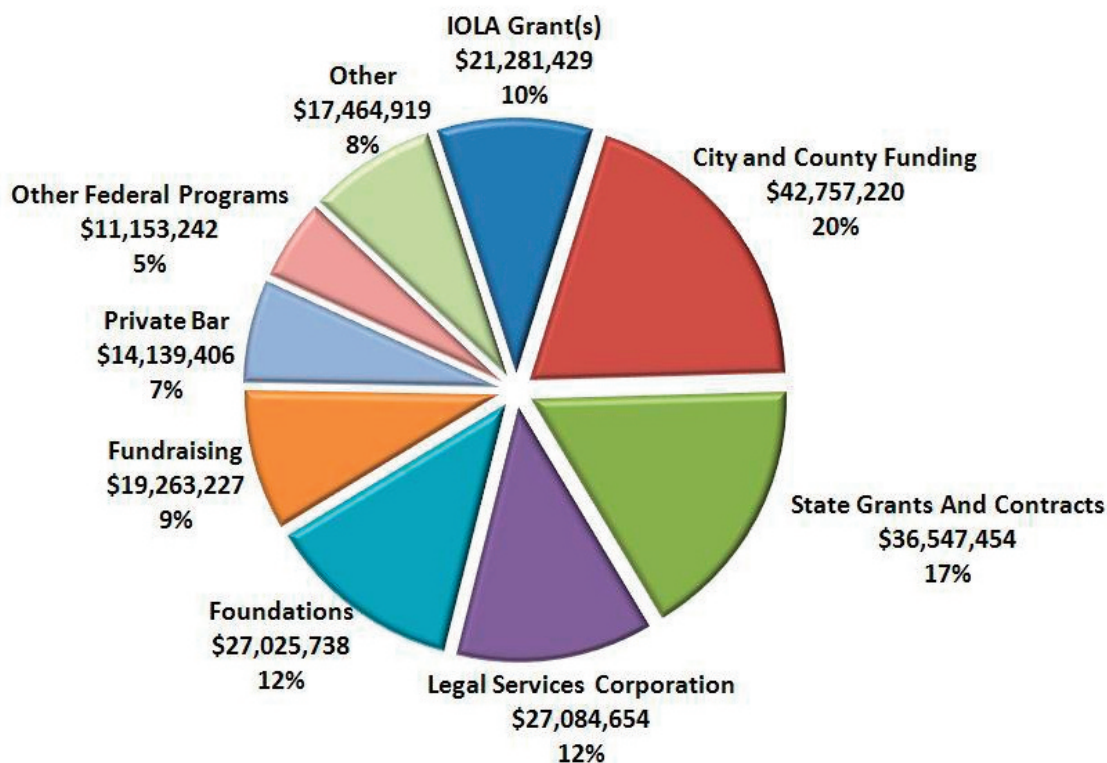
	Total
A. Total federal funds brought into state by legal aid programs (Exhibit 2)	\$ 348,092,658
B. Multiplier (per U.S. Dept. of Commerce "RIMS II" data):	1.4836
C. Total economic stimulus effect of federal funds	\$ 516,430,267
D. Jobs factor, average cost of job supported by funds coming in from outside state (per RIMS II data):	\$ 97,161
E. Total jobs (Line C / Line D)	5,315

Economic Impact



*Total impact was estimated by applying the universally-accepted U.S. Department of Commerce "Regional Economic Multiplier" for payments to low-income families in New York. According to the U.S. Department of Commerce "Regional Economic Multiplier" studies, each million dollars brought into New York from outside the state circulates through local economies 1.4836 times and supports 10.82 jobs.

In 2010 IOLA Grantees Received \$216 Million in Support



Charts Provided by IOLA (compiled based on data in the 2010 annual reports of IOLA grantees, including the \$15 million in Judiciary rescue funding for IOLA).

Finding 4: *New Task Force Initiatives Can Streamline And Enhance Client Service Delivery, Help Limit The Costs Of Providing Civil Legal Services, And Reduce Court Expenditures And Litigation Costs For Represented Parties*

In its 2010 Report, the Task Force concluded that non-monetary efforts should be undertaken that will mitigate or reduce the need for civil legal assistance, and thereby limit the expenditure of funds for civil legal help to the level recommended by the Task Force.

Simplification Efforts: To that end, the Task Force evaluated several new approaches and makes the following findings, particularly with respect to simplification efforts (standardizing forms, instructions, and procedures; improving the Court websites; and expanding outreach):

Standardizing Forms, Instructions, and Procedures: The Task Force followed through on the recommendation in its 2010 Report that standardization and simplification can improve access to justice. In this 2011 Report, the Task Force finds that the standardization and simplification of forms, instructions, and procedures would increase predictability and uniformity. In particular, the Task Force recommends an emphasis on: 1) increasing ease of access to forms and instructions on court websites and supporting e-filing initiatives; 2) improving the clarity of instructions and providing sample completed forms; 3) providing instructions and sample completed forms in languages other than English; 4) ensuring that instructions specifically address the needs of low-income individuals; and 5) simplifying and unifying processes and procedures throughout the State and eliminating unnecessary or duplicative forms and procedures.

In making these findings, the Task Force takes note that Deputy Chief Administrative Judges Fisher and Coccoma are already moving forward with a simplification initiative. They are co-chairing a Statewide committee that will review and implement necessary changes to standardize and simplify forms, procedures and fees for all New York State courts taking into consideration local differences. The committee was formed to address the Task Force's recommendation that standardization and simplification will improve access to justice. The main substantive areas this committee will consider are residential housing, foreclosure, divorce, family, consumer credit, small estates, small claims, Article 78 proceedings, and name changes.

Based on its simplification surveys, the Task Force finds widespread demand — from large numbers of practitioners and Judges who responded to the Task Force's survey — for forms to be standardized, simplified, and otherwise improved.

Inextricably tied to the standardization of forms is the need for standardization of certain procedures across the State. For example, changing one's name in New York City involves going to the New York Civil Court and costs \$65, while changing one's name in the rest of the State involves going to the Supreme Court and costs \$210. In certain jurisdictions, and not in others, a name change requires a request for judicial intervention in triplicate.⁸⁰ Below are findings as to those forms and procedures that might be improved.

As an example only, the Task Force finds that the Uncontested Divorce Forms can be improved. These Forms were cited frequently by survey respondents as needing improvement. Only one instructional set of forms on divorce is currently available on the court system website; this set is intended for applicants with children under 21 years (though it includes some instructions for applicants without children).⁸¹ These instructions were created when the State adopted irretrievable breakdown as a ground

for divorce. In part because of the sheer number of forms required for an uncontested divorce in New York, the instructions can be difficult to follow.⁸²

Accordingly, improvement of the Uncontested Divorce Forms can include the following initiatives:

- **Improve the court system's Divorce Resources website.** Links to the forms should be prominent, and the forms can be made more easily locatable by searching the site. Currently, the instructions for the forms are hyperlinked in three places on the website, but each link is embedded in text or in a subsection of the site.⁸³
- **Improve instructions and provide a set of sample completed forms.** For example, the earlier version of the Divorce Booklet for Uncontested Divorces Without Children Under 21 can be used for guidance.⁸⁴ This booklet included a checklist to ensure that litigants completed every necessary form; all sets of divorce forms should include such a checklist. The instructions can also include a timeline explaining when to file each form.
- **Provide translations** of the divorce forms instructions and practice forms in the major languages.
- **Provide clearer instructions for requesting fee waivers and applying for poor person status.** As part of the application process, for example, the current instructions state: "You may be required to serve a copy of each set of papers upon the County Attorney (outside of New York City) or Corporation Counsel (within the City of New York) and your spouse or his/her attorney." (Emphasis added.) Any litigant who does not file the relevant forms with the County Attorney's office, however, is automatically denied. The instructional form for the poor person status request includes this information; this form can be distributed along with the request form.
- **Simplify the divorce process.** Eliminate unnecessary or duplicative forms. For example, the complaint and the plaintiff's affidavit duplicate each other; both can be included as an extension of the Summons. The Summons, Request for Judicial Intervention ("RJI"), and Note of Issue can be condensed into a single form; or, alternatively where currently in use, the Index Number Application can be combined with the RJI and the Note of Issue.

Aside from the Uncontested Divorce Forms, the following is a non-exhaustive list of other forms that persons who responded to the Task Force's survey and the Task Force believe can be simplified, accompanied by clearer instructions, or otherwise improved:

Affidavits of net worth. These affidavits currently call for more information than is necessary from low-income litigants, including information about yachts and maids.

Pro se housing court forms. In particular, courts can provide a checklist of tenants' defenses against summary eviction for litigants signing stipulations or defending an eviction proceeding.

Contested and uncontested divorce checklists. These forms vary from county to county and can be standardized.

Family Court forms for orders of protection, custody, visitation, spousal support, and child support. All of these forms can be simplified and can be accompanied by clearer instructions.

The Task Force also finds that the survey responses called for better instructions and sample forms, especially in languages other than English, relating to court procedures and rules, including: service of

process; filing deadlines; pleading requirements; requests for an interpreter; items a litigant must bring to court; and tenants' rights with respect to housing and eviction. The survey responses suggested that Judges accept comprehensibly but imperfectly completed forms from *pro se* litigants, and explain the defects in rejected forms. Finally, the survey responses recommended expanding the content and awareness of the court system's forms database, and increased use of online filing.

Improving New York Court Websites: Extensive resources for New York litigants exist online on the New York court system's website (nycourts.gov).

However, the Task Force finds that the site's web pages can be made more uniform and user-friendly. The court system site hosts extensive resources, but these resources are difficult to access, may provide inconsistent information, and are generally unavailable to non-English speakers. The court system's website hosts "CourtHelp," which is devoted to aiding *pro se* litigants. Though helpful, this resource can be difficult to find. For example, the website's detailed Judicial District and County pages do not contain a link to the CourtHelp page, although such a link can easily be placed on the main sidebar of the website. Similarly, while the CourtHelp page provides information on local courts, it does not link directly to the pages of those courts or the Judicial Districts in which they are located; instead, after a few clicks, it will lead the user only to information about each court's hours.

Search engines do not prioritize Judicial District pages and local court pages are difficult to locate using a search engine. In Google search results, for example, they are often several entries from the top and they do not have clear website titles.⁸⁵

In addition, the "Litigants" link on the website's main sidebar and the CourtHelp page host different resources for litigants. Court forms online are not available from a centralized location, and each form's section is organized differently. A user can download forms through either the CourtHelp or Litigants pages. Some forms, however, appear in the latter but not the former. For example, litigants searching for divorce forms through CourtHelp will find only uncontested divorce forms; at the Litigants section, however, a user can find additional resources.

Form instructions are not consistently available. Fewer forms in the CourtHelp section than the Litigants section have instructions. Both provide some forms without instructions.

The organization of forms on Judicial District pages is inconsistent. Some link to the centralized Forms and Fees page within the Litigants section. On other Judicial District pages, a user must click on a link corresponding to a specific court (*e.g.*, Supreme Court) and from there may find a link to the forms either in the Litigants section or the Courts section of the website. Finally, some Judicial Districts link directly to forms rather than to the central forms database on the court system site.

Information on local courts is inconsistent. Both the Courts section reachable through the main sidebar and the CourtHelp section offer information about specific local courts (such as location and hours of operation). This information is not always consistent. For example, the Courts section states that the Albany County Supreme Court's hours of operation are 8:00 a.m. to 5:00 p.m., whereas the CourtHelp section states that the same Court's hours of operation are 9:00 a.m. to 5:00 p.m.

The court system website itself is not translated, and the Task Force finds that it should be available in the major languages. The home page provides links representing five non-English language options: Russian, Chinese, Spanish, French and Korean. These links lead not to a translated version of the website, but to a list of documents available in the listed language. Few documents on the website are trans-

lated. For example, documents translated into French include, in their entirety: the Frequently Asked Questions section, the glossary of legal terms, and the Criminal Justice System Handbook. This represents only a fraction of the information that could be made available to non-English speakers. Translations are often difficult to find. While the home page links to documents in five languages, translated forms are available elsewhere on the website in other languages, including Punjabi, Wolof, Arabic, and Haitian Creole.

The Task Force finds that improving the New York State's Unified Court System website is an essential cost-saving and simplification measure.⁸⁶

Consolidation and Standardization of Online Forms. All forms can be made available from a single central library or repository hosted by nycourts.gov. Other locations (CourtHelp, Judicial District, and local court pages) can link to that central library. This would ensure uniformity and simplify the process of updating the forms.

Forms can be organized by subject and provide instructions. All forms can be labeled and grouped in a uniform manner according to which forms and procedures are involved in each process, accompanied by explanations and instructions grouped according to issue. Each group of forms can include an overview of the forms and procedures involved in the relevant judicial process. Each individual form can come with a brief explanation of the form and how to fill it out. Those forms that already have written instructions can be reviewed to ensure that they are correct and up-to-date.

District web pages can direct users as to where to find forms. Each local court's pages should direct users to relevant forms available on nycourts.gov. If different forms are required in different localities, efforts can be made to change to the common Statewide form. If such a change is not feasible, local forms can be included in the comprehensive nycourts.gov library, or a link should appear on CourtHelp and on the website sidebar directing users to the appropriate locally specific resource.

Accessibility of Online Resources. The formats of all New York court pages can be standardized. Each local court can have the same consistent format as nycourts.gov. Staff responsible for nycourts.gov can work with local court staff to ensure that local court pages remain uniform and up-to-date and provide consistent information.

In the alternative, all local court pages can also be redesigned and supervised by central court system website staff. Each individual court would not have to design or update its own webpage: instead, nycourts.gov staff can be responsible for redesigning and updating all New York court websites, including the main nycourts.gov website, Judicial District pages and other local court pages. This central staff can consult local court staff to ensure that local court pages are updated in accordance with changes in local rules.

Direct links to local court pages on CourtHelp and nycourts.gov can be included. The website can link to each Judicial Department, instead of to informational PDFs, and each Judicial Department page can link back to the home page of the website and the CourtHelp page.

Search engine results can be optimized. Linking between courts would have the collateral effect of improving the positioning of the website as a whole and local court pages in search engine results. Other simple solutions, such as regular content updates, also improve search engine results. Finally, the titles of local court pages can be uniform, identifying the type and location of the court in a consistent manner.

Consistent information can be provided across the court system website. The disparities noted above between the court information available on the Courts page and the CourtHelp page can be eliminated. Both can direct the user to a single page containing up-to-date information.

Existing resources can be publicized and explained. CourtHelp links to resources on YouTube and Twitter without explaining what these resources are, or mentioning them elsewhere on the website. A simple explanation under each link (“Watch instructional videos on YouTube”; “Find out about the latest New York Courts trainings on Twitter”) would direct many *pro se* litigants to these resources.

Foreign Languages. The court system website can be translated into the major languages. All available languages can be displayed at the home page, nycourts.gov. If the site hosts resources in a particular language, a link to those resources can appear on the home page.

Expanding Outreach Programs: The Task Force finds that encouraging and expanding outreach programs will benefit low-income litigants, improve the efficiency of the court system, and reduce costs.

Two examples of such programs are Housing Court outreach programs and mobile outreach initiatives.

For example, in Buffalo, Albany, Nassau County, and New York City, model outreach collaborations enhance the provision of legal assistance to low-income tenants who have been sued in housing proceedings. In Buffalo, Neighborhood Legal Services and the Erie County Bar Association’s Volunteer Law Project operate an “Attorney of the Morning” program through which, on a rotating basis, each organization screens cases for assistance directly at the Housing Court and provides on-the-spot advice and, in appropriate cases, representation. The Legal Aid Society of Northeastern New York and the Albany County Bar Association operate a similar collaborative program in Albany City Court as do Nassau-Suffolk Law Services and the Nassau County Bar Association in Nassau County. In the Bronx, Brooklyn, and Queens, the Office of Court Administration, the New York City Department of Homeless Services, and The Legal Aid Society collaborate to provide eviction prevention intervention from a legal outreach office located directly in the courthouse for families with children living in designated “high risk” zip codes.⁸⁷

Similarly, mobile outreach efforts have great potential to increase access and mitigate costs. The Oversight Board has informed the Task Force that it funded two such models in the recent Judiciary Civil Legal Services funding allocations. One is a Mobile Court Help Center in collaboration with the Office of Court Administration to enable community residents to file court papers, particularly in family matters, without having to travel to court. The other is a Mobile Outreach Unit to provide access to civil legal services for low-income families and individuals living in remote locations.

Increasing Law School Involvement: While not a substitute for civil legal services staff programs, the Task Force finds that greater law school involvement can help reduce the gap between the need for civil legal assistance and available services.

Although law schools are already playing a role in the civil legal services delivery system, the Task Force finds that more can be done and considers it important to explore ways in which the fifteen law schools in New York State can best participate in the further expansion of access to civil legal services.

The Task Force finds that additional opportunities exist for law schools, consistent with their underlying missions and goals, to help increase access to civil legal services. More specifically the Task Force finds that the law schools in the State can work with one another, legal services providers, law firms

and the Courts to:

- Identify the greatest areas of unmet need that are amenable to law school assistance;
- Determine which existing projects are especially effective in responding to the justice gap (such as those that reach large numbers of people or resolve fundamental legal or structural problems) and use this information to develop law school programs that will be most effective in increasing assistance for vulnerable people who need it;
- Coordinate *pro bono* efforts across law schools, where appropriate, to enlist large numbers of students and develop capacity and expertise for training and supervision that would be difficult for a single law school to match if acting in isolation;
- Foster collaborative projects among law schools, legal services providers, and the Courts, to maximize the likelihood that law students will render valuable services to those who need assistance; and
- Create programs that more effectively tap into the pool of recent law school graduates to help meet the essential legal needs of indigent New Yorkers. To date, law schools have not collaborated to any significant extent with each other to address this key issue.

As an initial step toward achieving this greater level of understanding and coordination, in the first half of 2012, the Task Force will convene the first-ever “Leadership Conversation on the Role of New York’s Law Schools in Meeting Essential Legal Needs of Low-Income New Yorkers” so that the State’s fifteen law schools can engage in a frank exchange of views and work together on common plans for tangible results having the potential to narrow the justice gap. Other important stakeholders, including legal services providers, the Courts, and law firms, will also participate in this Leadership Conversation. Conferees will focus on the urgency of the need and think creatively about how law schools can use their resources appropriately to contribute to solutions alone or in collaborations.

Increasing The Use Of Cost-Sharing Initiatives Among Providers: The Task Force finds that collaborative initiatives to share costs among providers should be encouraged to enhance the quality of services and reduce costs by eliminating duplication of effort among multiple organizations.

For example, in Rochester, four organizations — the Monroe County Legal Assistance Center, the Empire Justice Center, the Legal Aid Society of Rochester, and the Volunteer Legal Services Project of Monroe County — have co-located in common space at the Telesca Center for Justice, providing clients with more integrated and comprehensive services and eliminating duplicative costs for rent, equipment, and reception services. In Buffalo, four organizations are located in the same building — Legal Services for the Elderly, Disabled, and Disadvantaged, the Legal Assistance Bureau of Buffalo/Neighborhood Legal Services, the Western New York Law Center, and the Erie County Bar Association’s Volunteer Law Project. As noted above, several collaborate to provide outreach services directly in Housing Court in Buffalo. Based on these successful models, a similar One Roof initiative is being explored in Syracuse.

In the New York City, New York Lawyers for the Public Interest, Make the Road New York, and Advocates for Children share the costs of accounting services in a collaborative that is a model for other smaller or medium-sized providers.

Increasing The Use Of Alternative Conflict Resolution Efforts: The Task Force finds initiatives to resolve matters through alternative approaches can be used in appropriate cases to mitigate the need for civil legal assistance. To do so, efforts will be needed to recruit more *pro bono* volunteers (including attorneys participating in the Chief Judge’s Attorney Emeritus program), expand partnerships with law schools (particularly where existing mediation initiatives are already underway), and experiment with the use of Special Masters, arbitrators, and consulting counsel.

More can be done to educate the bench and bar as well as potential users (the parties) about the benefits of mediation — except in matters involving domestic violence or similar situations where the imbalance in power is inextricably bound up in the legal problem.

The Task Force finds that the following steps can be taken to promote alternative conflict resolution efforts:

- The Office of Court Administration can establish a list of persons qualified to serve as mediators (including attorneys participating in the Chief Judge’s Attorney Emeritus program), which can then be distributed to Judges for use as the sole list from which mediators can be selected — as OCA has done in establishing a list of qualified fiduciaries for court appointment;
- A court rule can be promulgated to toll discovery deadlines and procedural deadlines in cases being mediated or involving collaborative lawyering so as to promote such alternative conflict resolution efforts;
- The Office of Court Administration can publish brochures explaining the benefits of alternative conflict resolution efforts and describing all local alternative conflict resolution programs;
- The Office of Court Administration can send a letter to parties to explain the various options for proceeding (including litigation and alternative conflict resolution programs), provided however that this should only be done in appropriate cases and not in matters such as those involving domestic violence; and
- The Office of Court Administration can encourage Judges to take advantage of alternative conflict resolution options and refer appropriate cases to persons on the qualified list.

The Task Force also finds that in family law matters collaborative lawyering has the potential to reduce the number of matters that end up in litigation. The Task Force further notes that the Collaborative Family Law Center partners with legal services providers throughout New York City to explore ways to incorporate alternative conflict resolution efforts into the menu of options they offer to lower-income and indigent New Yorkers in divorce or custody disputes. By representing parties in collaborative law or even mediations, attorneys may be able to expand the number of clients they can take on, given that the non-adversarial process involves no court appearances, motion practice, or trial work.

Continued Focus On *Pro Bono* Efforts By Private Lawyers: Last, but certainly not least, whenever possible, New York can continue its long-standing tradition of *pro bono* efforts by private attorneys to expand the availability of civil legal assistance for low-income families and individuals.

The private bar has made extensive contributions to providing civil legal aid to help bridge the gap in available services. For example, both the New York State Bar Association and the City Bar have recent initiatives to expand assistance for veterans.⁸⁸

In addition, recent data collected by IOLA documents dramatic increases in the number of matters involving *pro bono* assistance. The number of cases closed by IOLA grantees involving *pro bono* assistance increased from 11,687 cases in 2007 to 20,526 cases in 2010 — a 75.6 percent increase. IOLA data further shows that the contributed legal services for these cases in 2010 were valued at nearly \$138 million.⁸⁹

Notwithstanding these great efforts, extensive evidence before the Task Force — including testimony from the State and City Bar Presidents — shows that *pro bono* resources are finite and cannot be expected to meet the extraordinary unmet need for civil legal help that has been documented by the Task Force.

III. RECOMMENDATIONS FOR ACTION

IN ITS 2010 REPORT, the Task Force concluded that significant action is required to bridge the gap between the need for civil legal assistance and available civil legal services for low-income New Yorkers in every part of the State — urban, suburban, and rural. To address this gap, the Task Force formulated a four-year plan consisting of a combination of new Civil Legal Services funding within the Judiciary’s budget and the development of new non-monetary initiatives. Over the past year, the Task Force has focused on both assessing the continuing need for funding and developing non-monetary efforts to increase access to justice.

Based on its work, the Task Force sets forth below a summary of its second-year recommendations, which are to: 1) increase Judiciary Civil Legal Services funding; 2) increase the available *pro bono* assistance provided by private lawyers and law student resources to supplement civil legal services program staff resources; 3) avert or reduce litigation; 4) enhance access to justice for unrepresented litigants through simplification efforts to help them navigate the court system without legal assistance; and 5) increase efficiencies in the delivery system for civil legal services in New York State.

Increasing The Judiciary Civil Legal Services Funding: Consistent with its four-year plan, the Task Force recommends that the amount of funding for civil legal services included in the Judiciary’s budget should be increased. As indicated by the Navigant report documenting substantial savings of expenditures associated with domestic violence and the Cornerstone report documenting significant averted shelter costs, funding for the provision of civil legal services is a good investment for New York.

Moreover, as noted above, preliminary reporting on the first three-month grant period (August 1, 2011 – November 1, 2011) shows that 51,297 low-income New Yorkers received civil legal assistance in matters involving the “essentials of life” because of this first-year allocation of Judiciary Civil Legal Services funding. This critical Judiciary funding made it possible for these vulnerable families and individuals to maintain or obtain the “essentials of life.”

Despite these initial positive outcomes, evidence before the Task Force continues to show that, at best, 20 percent of the need for civil legal assistance for low-income families and individuals across the State is being met. However, the Task Force finds that this 20 percent figure is still conservative, especially when compared to data from The Legal Aid Society in New York City showing that since the economic downturn, the Society, because of lack of funding, can provide civil legal assistance to only one out of every nine eligible low-income individuals who seek their help.⁹⁰

Mindful of fiscal realities and budget constraints, in its 2010 Report the Task Force did not recommend the allocation of funding to eliminate the 80 percent gap in access to justice resulting from the fact that at current funding levels civil legal services programs are, at best, meeting 20 percent of the civil legal needs of low-income New Yorkers. Such a recommendation would require a five-fold increase in the current \$216 million funding level for New York civil legal services providers, which consists of a patchwork of federal, State, local, and private grants and contributions.

This year, the Task Force adheres to its 2010 recommendation of a more modest approach of increasing the current civil legal services funding level from all sources that is available for providers in New York State by approximately 50 percent — and doing so by gradually increasing the annual Judiciary Civil Legal Services funding over four years. The creation of this permanent, stable civil legal services fund-

ing stream within the Judiciary’s budget will thereby reduce to a significant degree the access to justice gap for low-income families and individuals all across the State.

Based on the extensive evidence before it of the continuing substantial unmet need for civil legal help, for the second year of its four-year plan, the Task Force recommends that a modest allocation of \$12.5 million in additional Civil Legal Services funding be included in the Judiciary’s budget for the coming 2012-2013 fiscal year. Consistent with its four-year plan, the Task Force recommends a continuation in the Judiciary’s budget of the current Civil Legal Services funding and IOLA rescue funding.

In accordance with the record evidence, the Task Force again concludes that the most urgent unmet legal needs for which the proposed funding should be allocated are civil legal services in matters involving “the essentials of life” — housing (including evictions, foreclosures, and homelessness), family matters (including domestic violence, children, and family stability), access to health care and education, and subsistence income (including wages, disability and other benefits, and consumer debts). Moreover, the Task Force continues to recommend that prevention efforts and early intervention be prioritized, and to find that well-trained and seasoned experts are necessary to address the complex legal problems that low-income clients frequently face.

The Task Force recommends that the Judiciary Civil Legal Services funding in the next fiscal year be distributed — as it was in the current fiscal year — throughout the State’s urban, suburban, and rural areas in accordance with the distribution of low-income New Yorkers. Further, the most vulnerable families and individuals who receive the funded civil legal assistance should continue to include both those living below the federal poverty level (\$22,350 for a family of four in 2011) and the “working poor” living below 200 percent of the federal poverty level (\$44,700 for a family of four in 2011).

In addition, the Task Force recommends that the Oversight Board — consisting of the Chief Administrative Judge of the Courts, the Chair of the Task Force, and the Chair of the IOLA Board — should continue to oversee the issuance of a request for proposals, review the proposals, and make grant decisions determining the allocation of the Judiciary Civil Legal Services funding.

The immediate implementation of this second-year funding should require no new administrative expenses. The existing staff of the IOLA Fund can again distribute the Oversight Board’s RFP for funding, receive the proposals, and review them for completeness on behalf of the Oversight Board. The Office of Court Administration can again assume responsibility for the contracting process for the distribution of the Judiciary Civil Legal Services funds.

In addition to this funding request, however, the Task Force recommends a series of non-monetary efforts to help address some of the unmet need for civil legal help. These non-monetary recommendations are set forth below.

Increasing *Pro Bono* Assistance Provided By Private Lawyers And Law Student Resources To Supplement Civil Legal Services Program Staff Resources: The Task Force is making a series of recommendations to expand the available resources capable of supplementing civil legal services program staff.

As described in Finding 4 above, the two primary recommendations in this area involve increasing law school involvement and continuing to focus on increasing the private bar’s *pro bono* legal services. While not a substitute for substantial additional funding for civil legal services, these additional resources can supplement the efforts of the experienced and well-trained staff of civil legal services

providers. Sufficient provider staff will also need to be in place to screen cases for and supervise and mentor the increased volunteer and student initiatives.

During the coming year, the Task Force will explore new efforts to increase the already high levels of *pro bono* assistance that the private bar provides. In early 2012, the Task Force also plans to convene the Deans of the fifteen law schools in the State, which will provide a substantial new opportunity to increase law school involvement to help address the civil justice gap.

In addition, the Task Force has found that more can be done to increase opportunities for non-legal advocates to assist civil legal services staff. Over the coming year, the Task Force will explore efforts to make greater use of non-legal advocates to help meet some of the unmet need.

Averting Or Reducing Litigation: Preventive and early-intervention legal assistance, including expanded community legal education initiatives, should continue to be emphasized as part of the array of client services that are provided. Such efforts can have a beneficial effect on averting or reducing litigation, promoting better outcomes for low-income families and individuals, reducing the impact of unrepresented litigants on court operations and represented parties, and limiting the level of Judiciary funding needed to help bridge the access to justice gap.

Increased use of alternative conflict resolution efforts such as those presented in Finding 4 is another means to enhance these beneficial impacts and avert or reduce litigation. In particular, the Task Force's findings and recommendations that litigants should be advised of the availability of alternative conflict resolution options in appropriate cases, and that a court rule should be promulgated to toll discovery and other procedural deadlines while alternatives to litigation proceed, are important additional steps in averting or reducing litigation. So too are initiatives to encourage Judges to make greater use of alternative conflict approaches and to establish a list of qualified mediators as the exclusive list for Judges to use for mediation efforts. Likewise, expanding collaborative lawyering in family law matters presents new opportunities for averting litigation.

Over the coming year, the Task Force will assess additional efforts to avert or reduce litigation and monitor the implementation of these 2011 recommendations.

Enhancing Access To Justice For Unrepresented Litigants Through Simplification Efforts To Help Them Navigate The Judicial System Without Legal Assistance: Even with the Task Force's proposed funding for legal services, there will still be significant numbers of unrepresented litigants who need additional assistance to gain access to justice. The Task Force's findings and recommendations regarding the need for simplification are aimed at affording low-income unrepresented litigants greater and more effective access to the courts, but will benefit all litigants whether or not they are represented.

The centerpieces of these simplification efforts should include immediate steps to standardize court forms, instructions, and procedures; improve the court system website; and expand outreach programs. These initiatives are presented in detail at pages 30 to 34, *supra*.

Over the next year, the Task Force will consider additional simplification initiatives to promote access to justice, as well as closely monitor the implementation of its current common-sense simplification recommendations and suggest modifications, if necessary. In particular, the Task Force will give further consideration to such simplification proposals as greater use of both telephone conferencing in lieu of court appearances and time-certain court calendars. The Task Force will also explore recommendations

regarding the role of the Judge with respect to unrepresented litigants.

Emerging developments in technology also present opportunities to enhance assistance for unrepresented litigants, including low-income New Yorkers, and the Task Force will continue to explore potential new uses of technology for that purpose.

Increasing Efficiencies In The Delivery System For Civil Legal Services: The Task Force continues to recommend that the delivery of client services must be accountable, effective, and efficient to ensure that Judiciary Civil Legal Services funding is put to the best use in bridging the access to justice gap.

The Task Force will continue to evaluate efforts to maximize collaboration among providers to avoid duplication of effort and minimize costs, including initiatives to share costs. In order to promote client access and delivery system efficiencies, the Task Force will also continue its ongoing work to consider initiatives to make greater use of technology and to expand strategic partnerships with non-legal entities.

The Task Force also recommends development of mechanisms to evaluate the civil legal services delivery system to ensure the most cost-effective client services.



In the coming year, the Task Force will also continue to work with the Chief Judge to prepare for the annual hearings that he will hold in each Judicial Department, and to collect evidence and data on unmet civil legal needs. Accordingly, through this continuing collection of annual data, the Task Force can make recommendations for modifications or adjustments in this four-year plan as the plan proceeds and the impact of the recommendations begins to take hold.

The Task Force once again does not suggest that the recommendations in this Report are exhaustive with respect to moving closer to the goal of equal access to justice for low-income New Yorkers with essential civil legal problems.

The Task Force stands ready in the coming year to continue to work with the Chief Judge to carry out the broad charge that he has given the Task Force to make further recommendations concerning the provision of effective and efficient civil legal assistance to low-income families and individuals across the State in matters involving the “essentials of life” so that we as a State can make concrete progress toward the goal of equal access to justice. As William Savino of the Long Island Association so aptly put it: “Not only is it the moral and ethical thing to do, but it is good business. . . . [A]ccess to justice is vital to [the community’s] economic health, [and] its business well-being.”⁹¹

ENDNOTES

- ¹ *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 26, 2011 (remarks of Chief Judge Jonathan Lippman at 5:22–7:3).*
- ² The full text of the legislative resolution requesting these recommendations is annexed to the 2010 Task Force Report as Appendix 3. See TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 3 (2010), available at <http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-Appendices.pdf>.
- ³ A list of the members of the Chief Judge's Task Force to Expand Access to Civil Legal Services is set forth at the beginning of this report. In addition, the Task Force received extensive assistance from Jessica Klein, Special Counsel for *Pro Bono* and Director of Professional Development at Sullivan & Cromwell LLP, who served as Counsel to the Task Force; Mary C. Mone, Counsel to the Chief Judge; and Lauren Kanfer, Assistant Deputy Counsel to the Chief Judge. Sullivan & Cromwell LLP, which has a partner serving on the Task Force, hosted the Task Force and provided crucial *pro bono* assistance. Three other leading law firms with partners who serve on the Task Force also provided invaluable *pro bono* assistance: Proskauer Rose LLP; Simpson Thacher & Bartlett LLP; and Skadden, Arps, Slate, Meagher & Flom LLP. A full listing of those who provided *pro bono* assistance is annexed as Appendix 1.
- ⁴ The Request for Proposals and notice of its issuance are annexed as Appendix 2 and Appendix 3, respectively.
- ⁵ A chart setting forth the Oversight Board's first-year grant allocations is annexed as Appendix 4.
- ⁶ Thirty-two cases were not categorized by "essentials of life" service area and thus the total number of cases by service area does not match the total number of clients served.
- ⁷ A Summary of the Preliminary Status Reports on the Judiciary Civil Legal Services Grants is attached as Appendix 5.
- ⁸ A witness list for each of the Chief Judge's four hearings is annexed as Appendix 6. The transcripts of the oral testimony at the four hearings are annexed as Appendix 7 (for the Second Department Hearing held on September 20, 2011), Appendix 8 (for the First Department Hearing held on September 27, 2011), Appendix 9 (for the Third Department Hearing held on October 3, 2011), and Appendix 10 (for the Fourth Department hearing held on October 6, 2010). Written statements submitted at the four hearings are annexed as Appendix 11 (for the Second Department Hearing), Appendix 12 (for the First Department Hearing), Appendix 13 (for the Third Department Hearing), and Appendix 14 (for the Fourth Department hearing).
- ⁹ A copy of the notice posted on the Unified Court System's website is annexed as Appendix 15. The *New York Law Journal* also published an article on the hearings. Daniel Wise, *New Round of Hearings Set on Legal Services Needs*, N.Y.L.J., Aug. 4, 2011, at 1.
- ¹⁰ *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Sept. 20, 2011 (remarks of Chief Judge Jonathan Lippman, at 2:6–24).*
- ¹¹ *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Oct. 6, 2011 (remarks of Chief Judge Jonathan Lippman, at 4:12–22).*
- ¹² *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 3, 2011 (remarks of Chief Judge Jonathan Lippman, at 11:17–12:1).*
- ¹³ *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Sept. 20, 2011 (testimony of David Boies, Managing Partner, Boies, Schiller & Flexner LLP, at 41:15–42:9).*
- ¹⁴ Deputy Administrative Judge Coccoma also discussed the number of recent law school graduates with substantial educational debt and the potential for enlisting these graduates in helping to provide civil legal assistance to low-income New Yorkers but for their loan repayment obligations. *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 3, 2011 (testimony of Hon. Michael V. Coccoma, Deputy Chief Administrative Judge for Courts Outside New York City, at 43:4–24).* In its future deliberations, the Task Force will consider evaluating the impact of educational debt on civil legal services staff as well as law graduates who could potentially provide civil legal aid.

- ¹⁵ *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 26, 2011 (statement of Hon. Tanya R. Kennedy, Acting Supreme Court Justice and Civil Court Judge, at 100:16–101:13).*
- ¹⁶ *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Oct. 6, 2011 (testimony of Makau W. Mutua, Dean and SUNY Distinguished Professor, University at Buffalo Law School, at 80:2–84:10); The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Oct. 6, 2011 (statement of Hannah R. Arterian, Dean and Professor of Law, Syracuse University College of Law, at 1–2).*
- ¹⁷ *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 3, 2011 (testimony of James J. Barba, President and CEO of Albany Medical Center, at 66:11–67:10); The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 3, 2011 (testimony of Debra L. Schimpf, Executive Director of Schenectady Community Action Program, at 106:18–108:15); The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Sept. 20, 2011 (testimony of Faith Piatt, Executive Director of Orange County Rural Development Advisory Corporation, at 91:8–93:20).*
- ¹⁸ *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 3, 2011 (testimony of Michael Hertz, Chief Marketing and Business Development Officer, White & Case LLP, at 124:5–125:3).*
- ¹⁹ The full report of the Task Force's simplification work is annexed as Appendix 16.
- ²⁰ The full report of the Task Force's law school involvement work is annexed as Appendix 17.
- ²¹ The full report of the Task Force's cost-sharing work is annexed as Appendix 18.
- ²² The full report of the Task Force's alternative conflict resolution work is annexed as Appendix 19.
- ²³ Assistance was provided primarily by Dan Weitz, the Deputy Director of Professional and Court Services, Office of ADR and Court Improvement Program, New York State Unified Court System.
- ²⁴ The full report of the Task Force's strategic partnership work is annexed as Appendix 20.
- ²⁵ To the extent that some of these 258,000 cases closed in 2010 may have taken more than one year to resolve and more than one matter may have been handled for those who have multiple legal problems, an even smaller percentage of the need is currently being met.
- ²⁶ *See Poverty in New York City: Analysis of Data from the US Census Bureau 2010 American Community Survey*, ALLIANCE FOR A GREATER NEW YORK, <http://www.alignny.org/posts/resource/2011/09/poverty-in-new-york-city-analysis-of-data-from-the-us-census-bureau-2010-american-community-survey/> (last visited Nov. 2, 2011).
- ²⁷ This chart is based on the Federal Poverty Guidelines for 2011, which can be found at the U.S. Department of Health and Human Services website. *See The 2011 HHS Poverty Guidelines: One Version of the [U.S.] Federal Poverty Measure*, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, <http://aspe.hhs.gov/poverty/11poverty.shtml> (last updated Jan. 21, 2011).
- ²⁸ *See ALISHA COLEMAN-JENSEN ET AL., HOUSEHOLD FOOD SECURITY IN THE UNITED STATES IN 2010*, at 17 (U.S. Dep't of Agriculture, Economic Research Report No. 125, 2011) (primary statistics on household food security, food spending, and use of Federal food and nutrition assistance programs by food-insecure households) *available at* <http://www.ers.usda.gov/publications/err125>.
- ²⁹ HON. ANN PFAU, 2010 REPORT OF THE CHIEF ADMINISTRATOR OF THE COURTS PURSUANT TO CHAPTER 507 OF THE LAWS OF 2009, at 11 (2010).
- ³⁰ *See, e.g., TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 1 (2010) [hereinafter 2010 TASK FORCE REPORT], available at* <http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-TaskForceREPORT.pdf>.
- ³¹ The Task Force's provider survey is annexed as Appendix 21.
- ³² *See IOLA FUND OF THE STATE OF NEW YORK*, <http://www.iola.org> (last visited Nov. 22, 2011). This data is also available directly from IOLA.
- ³³ *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Sept. 20, 2011 (statement of William M. Savino, Managing Partner, Rivkin Radler LLP, Member of the Board, Long Island Association, at 4).*
- ³⁴ *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 3, 2011 (testimony of Mr. Buckmaster de Wolf, General Counsel, GE Global Research, at 53:9–15).*

- ³⁵ *The Chief Judge’s Hearing on Civil Legal Services, Third Dep’t, Oct. 3, 2011 (testimony of Mr. F. Michael Tucker, President and CEO, Center for Economic Growth, at 57:8–13).*
- ³⁶ *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 26, 2011 (statement of Deborah C. Wright, Chairman & CEO, Carver Federal Savings Bank, at 1).*
- ³⁷ *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 26, 2011 (statement of Craig L. Reicher, Vice Chairman, CB Richard Ellis, Inc., at 1).*
- ³⁸ *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 26, 2011 (statement of Donna Cirolia, Regional Vice President for Public Affairs and Communications, Coca-Cola Refreshments USA, Inc., at 2).*
- ³⁹ *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Sept. 20, 2011 (statement of David Boies, Managing Partner, Boies, Schiller & Flexner LLP, at 2).*
- ⁴⁰ *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Sept. 20, 2011 (testimony of David Boies, Managing Partner, Boies, Schiller & Flexner LLP, at 44:6–23).*
- ⁴¹ *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Oct. 3, 2011 (testimony of Martin J. Mack, Executive Deputy Attorney General, at 16:1–16).*
- ⁴² *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Sept. 20, 2011 (testimony of Janet DiFiore, District Attorney of Westchester County, at 15:19–27:15).*
- ⁴³ *The Chief Judge’s Hearing on Civil Legal Services, Third Dep’t, Oct. 3, 2011 (statement of Hon. Michael V. Cocco, Deputy Chief Administrative Judge for Courts Outside New York City, at 2).*
- ⁴⁴ *The Chief Judge’s Hearing on Civil Legal Services, Third Dep’t, Oct. 3, 2011 (statement of Hon. Michael V. Cocco, Deputy Chief Administrative Judge for Courts Outside New York City, at 3).*
- ⁴⁵ *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Sept. 20, 2011 (testimony of Hon. Anthony A. Scarpino Jr., Acting Supreme Court Justice, Ninth Judicial District, at 128:2–10).*
- ⁴⁶ *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Sept. 20, 2011 (testimony of Hon. Anthony A. Scarpino Jr., Acting Supreme Court Justice, Ninth Judicial District, at 125:23–126:18).*
- ⁴⁷ *The Chief Judge’s Hearing on Civil Legal Services, Third Dep’t, Oct. 3, 2011 (statement of Hon. Leslie E. Stein, Justice, App Div., Third Dep’t, at 2).*
- ⁴⁸ *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 26, 2011 (testimony of Hon. Tanya R. Kennedy, Acting Supreme Court Justice and Civil Court Judge, at 99:22–100:9).*
- ⁴⁹ *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Sept. 20, 2011 (testimony of Hon. Janet C. Malone, Acting Supreme Court Justice and Family Court Judge, Westchester County, at 153:14–20).*
- ⁵⁰ *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Sept. 20, 2011 (testimony of Hon. Janet C. Malone, Acting Supreme Court Justice and Family Court Judge, Westchester County, at 153:25–155:22).*
- ⁵¹ *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Sept. 20, 2011 (testimony of Hon. Lori Currier Woods, Acting Supreme Court Justice and Family Court Judge, Orange County, at 143:9–19).*
- ⁵² *The Chief Judge’s Hearing on Civil Legal Services, Fourth Dep’t, Oct. 6, 2011 (testimony of Hon. E. Jeannette Ogden, Acting Judge, Buffalo City Court and County and Family Courts, at 112:12–17).*
- ⁵³ *The Chief Judge’s Hearing on Civil Legal Services, Fourth Dep’t, Oct. 6, 2011 (testimony of Bernard Dent, client of the Western New York Law Center, at 10:1–17:10).*
- ⁵⁴ *The Chief Judge’s Hearing on Civil Legal Services, Fourth Dep’t, Oct. 6, 2011 (testimony of Michelle Kilian, client of Neighborhood Legal Services, at 17:11–23:16).*
- ⁵⁵ *The Chief Judge’s Hearing on Civil Legal Services, Fourth Dep’t, Oct. 6, 2011 (testimony of Jack Hagen, client of Legal Services for the Elderly, Disabled or Disadvantaged of Western New York, at 30:22–37:6).*
- ⁵⁶ *The Chief Judge’s Hearing on Civil Legal Services, Third Dep’t, Oct. 3, 2011 (testimony of Arthur Demar Jr., client of the Legal Aid Society of Northeastern New York, at 132:2–135:18).*

- ⁵⁷ *The Chief Judge’s Hearing on Civil Legal Services, Third Dep’t, Oct. 3, 2011 (testimony of Dana P, client of the Legal Project, at 135:23–143:15).*
- ⁵⁸ *The Chief Judge’s Hearing on Civil Legal Services, Third Dep’t, Oct. 3, 2011 (testimony of Rasaan Kellam, client of the Legal Aid Society of Northeastern New York, at 143:21–147:10).*
- ⁵⁹ *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Sept. 20, 2011 (testimony of Boris Raishevich, client of Legal Services of the Hudson Valley, at 108:4–112:4).*
- ⁶⁰ *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Sept. 20, 2011 (testimony of Alavita Williams, client of The Legal Aid Society, at 112:12–120:12).*
- ⁶¹ *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Sept. 20, 2011 (testimony of Alina Saez, client of Legal Services of the Hudson Valley, at 50:10–58:8).*
- ⁶² *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Sept. 20, 2011 (testimony of Esther Jimenez, client of Staten Island Legal Services, at 58:15–63:20).*
- ⁶³ *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Sept. 20, 2011 (testimony of Tara Grisby, client of the Legal Aid Society of Rockland County, at 65:2–68:25).*
- ⁶⁴ *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Sept. 20, 2011 (testimony of Kathleen DeNezzo, client of Nassau/Suffolk Law Services Committee, at 69:11–75:11).*
- ⁶⁵ *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 26, 2011 (testimony of Eneyda Maldonado, client of The Legal Aid Society, at 72:22–79:20).*
- ⁶⁶ *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 26, 2011 (testimony of Yves Gebhardt, client of Legal Services NYC, at 79:23–83:12).*
- ⁶⁷ *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 26, 2011 (testimony of Virginia Norman-Acevedo, client of The Legal Aid Society, at 83:19–86:13).*
- ⁶⁸ *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 26, 2011 (testimony of Tracy Smith, client of the Urban Justice Center Community Development Project, at 86:22–91:15).*
- ⁶⁹ *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 26, 2011 (testimony of Natalie Jones, client of Legal Services NYC, at 92:2–94:18).*
- ⁷⁰ *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 26, 2011 (statement of William Dean, client of The Legal Aid Society, at 5).*
- ⁷¹ 2010 TASK FORCE REPORT, *supra* note 28, at 25–26; *see also The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Sept. 20, 2011 (statement of Lois Schwaeber, Director of Legal Services for the Nassau County Coalition Against Domestic Violence, at 1)* (“Research has shown that legal assistance is the one service that has been found to reduce the occurrence of domestic violence in a community.”).
- ⁷² *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 26, 2011 (statement of Jeffrey L. Baliban, Managing Director, Navigant Consulting, Inc., at 4–5).*
- ⁷³ *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 26, 2011 (statement of Jeffrey L. Baliban, Managing Director, Navigant Consulting, Inc., at 16).*
- ⁷⁴ *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 26, , 2011 (statement of Geeta Singh, Principal, Cornerstone Research, at 7).*
- ⁷⁵ *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 26, , 2011 (statement of Geeta Singh, Principal, Cornerstone Research, at 3, 12–13).*
- ⁷⁶ *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 26, , 2011 (statement of Geeta Singh, Principal, Cornerstone Research, at 8–10, 12).*
- ⁷⁷ *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 26, 2011 (testimony of Hon. Christine Quinn, Speaker, New York City Council, at 38:17–39:2).*

- ⁷⁸ *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 3, 2011* (testimony of Mr. F. Michael Tucker, President and CEO, Center for Economic Growth, at 60:23–61:4).
- ⁷⁹ 2010 TASK FORCE REPORT, *supra* note 28, at 22 (citing calculations provided by the IOLA Fund of the State of New York); for an introduction to multipliers, see UNITED STATES DEPARTMENT OF COMMERCE, REGIONAL MULTIPLIERS: A USER HANDBOOK FOR THE REGIONAL INPUT-OUTPUT MODELING SYSTEM (RIMS II) (3d ed. 1997), *available at* <http://www.bea.gov/scb/pdf/regional/perinc/meth/rims2.pdf>.
- ⁸⁰ *Forms: Name Change Forms & Requirements*, NEW YORK STATE UNIFIED COURT SYSTEM, <http://www.nycourts.gov/forms/namechange.shtml> (last updated Mar. 26, 2009).
- ⁸¹ *See Divorce Resources: Uncontested Divorce Forms; With Children Under 21*, NEW YORK STATE UNIFIED COURT SYSTEM, http://www.courts.state.ny.us/divorce/divorce_withchildrenunder21.shtml (last updated Nov. 10, 2011). The sidebar link to the packet for applicants who do not have children under 21 leads to a page that states the packet is not yet available. *Divorce Resources: Uncontested Divorce Forms; Without Children Under 21*, NEW YORK STATE UNIFIED COURT SYSTEM, http://www.courts.state.ny.us/divorce/divorce_withoutchildrenunder21.shtml (last updated June 15, 2010).
- ⁸² For example, the instructions explain how to fill out form UD-6 (Affidavit of Plaintiff) using numbered fields, but this is confusing, because there are two sets of numbers on the form. *See Affidavit of Plaintiff: Form UD-6*, NEW YORK STATE UNIFIED COURT SYSTEM, http://www.courts.state.ny.us/divorce/forms_instructions/ud-6inst.htm (last visited Nov. 14, 2011). To correctly complete form UD-13, applicants must understand what constitutes a “related case,” without any guidance or instructions. *See Request for Judicial Intervention: Form UD-13*, NEW YORK STATE UNIFIED COURT SYSTEM, http://www.courts.state.ny.us/divorce/forms_instructions/ud-13inst.htm (last visited Nov. 14, 2011). The USC-111 Child Support Summary is confusing and can be seen as inapplicable to low-income individuals. *See UCS Divorce & Child Support Summary Form: UCS113*, NEW YORK STATE UNIFIED COURT SYSTEM, http://www.courts.state.ny.us/divorce/forms_instructions/ucs-111ins.htm (last visited Nov. 14, 2011).
- ⁸³ *See Divorce Resources*, NEW YORK STATE UNIFIED COURT SYSTEM, <http://www.courts.state.ny.us/divorce/> (last updated Oct. 20, 2011).
- ⁸⁴ *Uncontested Divorce Booklet: For Uncontested Divorces Without Children Under 21*, NEW YORK STATE UNIFIED COURT SYSTEM, http://www.nycourts.gov/litigants/divorce/ucs_divorcebklt.pdf (last visited Nov. 14, 2011).
- ⁸⁵ To use Albany as an example, the website for the Third Judicial District is the third website to appear in a search for “Albany court New York” in Google. The title in the Google display is “Albany City Court - Unified Court System,” whereas the website title (after clicking through) is “3rd Judicial District.” Search for “Albany court New York”, GOOGLE, <http://www.google.com> (last visited Nov. 14, 2011); *3rd JD: Albany, Columbia, Greene, Rensselaer, Schoharie, Sullivan & Ulster Counties*, NEW YORK STATE UNIFIED COURT SYSTEM, <http://www.nycourts.gov/courts/3jd/city/albany/albany-criminal.shtml> (last visited Nov. 14, 2011). Allegany is no better: in a Google search for “Allegany court New York”, “8th JD - Allegany County - Unified Court System” is the second result. Search for “Allegany court New York”, GOOGLE, <http://www.google.com> (last visited Nov. 14, 2011).
- ⁸⁶ BERKMAN CTR. FOR INTERNET & SOC’Y, PRELIMINARY REPORT: BEST PRACTICES IN THE USE OF TECHNOLOGY TO FACILITATE ACCESS TO JUSTICE INITIATIVES 5 (2010), *available at* http://cyber.law.harvard.edu/sites/cyber.law.harvard.edu/files/A2J_Report_Final_073010.pdf (last visited Oct. 3, 2011) (citing reports from Judges that “those who use interactive forms are much more likely to have all their paperwork in order so that the case can be completed in one session and with the minimum of assistance from the court”).
- ⁸⁷ *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 26, 2011* (testimony of Hon. Fern Fisher, Deputy Chief Administrative Judge for the New York City Courts and Director of the New York State Courts Access to Justice Program, at 119:13–120:2). On “Attorney of the Morning” in Buffalo, *see The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Oct. 6, 2011* (testimony of Hon. Paula L. Feroletto, Administrative Judge, Eighth Judicial District and Co-Chair, Eighth Judicial District Pro Bono Committee at 92:5–8); on “Attorney for a Day” in Albany County, *see The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 3, 2011* (statement of Lillian M. Moy, Executive Director of the Legal Aid Society of Northeastern New York, at 5–6); on Nassau County, *see The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Sept. 20, 2011* (statement of Jeffrey A. Seigel, Executive Director of the Nassau Suffolk Law Services Committee, Inc.)

- ⁸⁸ *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 3, 2011 (statement of Vincent E. Doyle III, President of the New York State Bar Association, at 1–2).*
- ⁸⁹ *See* IOLA FUND OF THE STATE OF NEW YORK, <http://www.iola.org> (last visited Nov. 22, 2011). This data is also available directly from IOLA.
- ⁹⁰ *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 26, 2011 (statement of The Legal Aid Society).*
- ⁹¹ *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Sept. 20, 2011 (testimony of William M. Savino, Managing Partner, Rivkin Radler LLP; Member of the Board, Long Island Association, at 182:25–183:2; 191:7–10).*

